

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

PRESENT:	Supervisor	Mary Ann Balland
	Council	Edward Fairbrother
		Dean Frisbie
		Duane Gardner
		Leonard Kaner
	Town Clerk	Teresa Dean
ABSENT:	Attorney	Thomas Reed

Supervisor Balland called the Organizational Meeting to order at 4:33 p.m.

RESOLUTION NO. 1-04
ATTORNEY SPALLONE HIRED FOR ADDITIONAL REPRESENTATION

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board moves that Philip Spallone represent the Town Board members in regards to the most recent litigation by Bruce Miller and Robert Izzo filed on January 2, 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 2-04
ROBERTS RULES OF ORDER ADOPTED AS GUIDELINES

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board adopt Robert Rules of Order, Association of Towns – State of New York Town Law Manual 2000, and Conducting Public Meetings and Public Hearings, as a guideline, and vote orally on resolutions.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 3-04
TIME AND PLACE SET FOR TOWN BOARD WORKSHOPS

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board set the time and place for the Town Board and Water Board Workshop sessions the 2nd Wednesday of each month at 4:30 p.m. at the Town Hall.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 4-04
TIME AND PLACE SET FOR WATER BOARD MEETINGS

Resolution by: Fairbrother
Seconded by: Kaner

RESOLVE the Town Board set the time and place for the Water Board Meetings: 4th Wednesday of each month at 7:00 p.m. at the Town Hall, except for the months of November and December when the meeting will commence at 4:30 p.m., and

FURTHER RESOLVE for the month of November the meeting will be held on Tuesday, November 23, 2004 and the month of December when the meeting will be held on Wednesday, December 29, 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 5-04
TIME AND PLACE SET FOR TOWN BOARD MEETINGS

Resolution by: Fairbrother
Seconded by: Kaner

RESOLVE the Town Board set the time and place for the Town Board Meetings: 4th Wednesday of each month at the Town Hall immediately following the Water Board meeting, except for the month of November when the meeting will be held on Tuesday, November 23, 2004 and the month of December when the meeting will be held on Wednesday, December 29, 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 6-04
WATER AND/OR TOWN BOARD MEETING PROCEDURES

Resolution by: Kaner

Seconded by: Gardner

RESOLVE the Town Board adopts the following policy for Water and/or Town Board meetings and workshops:

1. All agenda items are submitted to the Town Clerk by 10:00 a.m. the Wednesday prior to the Water and/or Town Board meeting. When a legal holiday and/or the responsible person submitting said documentation is not present, the documentation must be submitted the previous day.
2. The first item of the meeting/workshop will be Call to Order.
3. Concerns of the People will be held immediately following the Call to Order at the Town Board meeting and workshop.
4. The Workshop(s) agenda categories be as follows:
 - Reports
 - Old Business
 - Correspondence
5. The Town Board meeting agenda categories be as follows:
 - Minutes
 - Old Business
 - New Business
 - Correspondence
6. The Water Board meeting agenda categories be:
 - Old Business
 - New Business
 - Correspondence
7. All monthly, activity reports, certificate(s), and/or minutes are to be submitted to the Town Clerk Thursday prior to the Town Board Workshop.
8. Vouchers for payment must be submitted by 12:00 noon 10 days prior to the Town Board meeting (normally the third week of the month). Submittal is the responsibility of the Department Supervisors and they are responsible for vendor inquiries due to non-submittals.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 7-04
DEPUTY TOWN SUPERVISOR APPOINTED

Resolution by: Gardner
Seconded by: Kaner

RESOLVE the Town Board appoints Edward Fairbrother, Deputy Town Supervisor, as recommended by the Town Supervisor.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 8-04
BOARD MEMBER COMMITTEE ASSIGNMENTS

Resolution by: Gardner
Seconded by: Kaner

RESOLVE the Town Board Councilpersons be assigned as Liaisons to the following Boards, Commissions, and Committees:

Big Flats Library Advisory	Balland
Community Center Advisory Com.	Balland & Fairbrother
County Humane Society	Kaner
Emergency Preparedness	Balland, Fairbrother & Frisbie
Personnel Committee	Gardner, Fairbrother & Frisbie
Senior Citizens	Gardner
Youth Commission	Kaner
Zoning Board of Appeals	Kaner
Community Service Award	Kaner & Fairbrother
Re-organization Committee	Fairbrother & Gardner
Parks Commission	Fairbrother & Frisbie

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 9-04
PLANNING BOARD COMMITTEE ASSIGNMENTS

Resolution by: Frisbie
Seconded by: Fairbrother

RESOLVE the Town Board Councilpersons be assigned as Liaisons to the Planning Board as follows:

January through March	Gardner
April through June	Frisbie
July through September	Fairbrother
October through December	Kaner

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 10-04
FIREWORKS COMMISSIONER APPOINTED

Resolution by: Frisbie
Seconded by: Fairbrother

RESOLVE the Town Board appoints Duane Gardner Fireworks Commissioner.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 11-04
HEALTH AND DENTAL INSURANCE PREMIUM

Resolution by: Frisbie
Seconded by: Fairbrother

RESOLVE that the Town Board requires Town employees participating in health and dental insurance to pay 9.5% of the premium.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 12-04
TOWN OFFICIAL NEWSPAPER DESIGNATED

Resolution by: Frisbie
Seconded by: Fairbrother

RESOLVE the Town Board designates the STAR GAZETTE as the Town's official newspaper.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 13-04
SUPERVISOR DIRECTED TO PUBLISH ANNUAL REPORT

Resolution by: Fairbrother
Seconded by: Gardner

RESOLVE the Town Board directs the Supervisor to publish the Annual Report in the approved form.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 14-04
BANKS DESIGNATED

Resolution by: Fairbrother
Seconded by: Gardner

RESOLVE the Town Board designates Chemung Canal Trust Company, Bath National Bank and JP Morgan-Chase Bank the official depositories.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 15-04
SUPERVISOR AUTHORIZED TO INVEST TOWN FUNDS

Resolution by: Fairbrother
Seconded by: Gardner

RESOLVE the Town Board authorizes the Supervisor to invest monies, not needed for immediate expenditures, according to the regulations of the State Department of Audit and Control and the investment policy adopted January 1988.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 16-04
SUPERVISOR AUTHORIZED TO ADVANCE MONEY

Resolution by: Kaner
Seconded by: Fairbrother

RESOLVE the Town Board be authorized to advance money for educational meetings or workshops as provided by General Municipal Law 77b.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 17-04
ATTENDANCE AT EDUCATIONAL PROGRAMS AUTHORIZED

Resolution by: Kaner
Seconded by: Fairbrother

RESOLVE the Town Board authorize Town Officials and employees to attend educational programs concerning Town business, as authorized in their 2004 budget, with all legal expenses charged to the Town.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 18-04

ATTENDANCE AT COUNTY MUNICIPAL CLERKS MEETINGS AUTHORIZED

Resolution by: Kaner

Seconded by: Fairbrother

RESOLVE the Town Board authorize the attendance at County Municipal Clerks meetings, as authorized in their 2004 budget, for Teresa Dean, Kim Seymour, and Robert Newlun at the Town's expense.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 19-04

AUTHORIZATION OF OVERTIME

Resolution by: Gardner

Seconded by: Kaner

RESOLVE the Town Supervisor be authorized to approve overtime pay for Town employees as setforth in the Town Employee Handbook for emergencies only.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 20-04

AUTHORIZATION FOR PURCHASES

Resolution by: Gardner

Seconded by: Kaner

RESOLVE the Town Board requires approval prior to obtaining services, parts, and other equipment for all purchases over the amount of \$1,000.00, including engineering or as otherwise provided by the Town Board.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 21-04
CONTINGENCY TRANSFERS

Resolution by: Gardner
Seconded by: Kaner

RESOLVE the Town Board requires all transfer requests from contingency and/or fund balance must come before the Town Board prior to obtaining services, parts, and other equipment not covered in their budget.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 22-04
JUSTICES AND TOWN COUNCIL AUTHORIZED TO CERTIFY PAPERS

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Justices and Town Council be authorized to certify papers and documents without charge.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 23-04
BLANKET BONDS OR BONDING AUTHORIZED FOR TOWN OFFICIALS

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE that blanket bonds or bonding be obtained for Town Officials, as required, and submit the names of Town Officers to the Insurance Agent.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 24-04
TRAVEL JURISDICTION AUTHORIZATION

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board requires that all travel outside of New York State and Northern Pennsylvania for the purposes of conferences and/or workshops will require previous approval by the Town Board.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 25-04
MILEAGE ALLOWANCE SET

Resolution by: Frisbie
Seconded by: Gardner

RESOLVE the Town Board set mileage at \$0.375 per mile for Town Officials and employees when using their personal vehicles for official Town business, when authorized by the Town Board.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 26-04
2004 ELECTED OFFICIAL'S SALARIES SET

Resolution by: Frisbie
Seconded by: Gardner

RESOLVE the Town Board set the following salaries for elected officials:

Supervisor	\$28,360.00
Council Member (4)	\$ 6,564.00 each
Town Clerk	\$31,420.00
Tax Collector	\$ 6,741.00
Town Justices (2)	\$14,590.00 each

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 27-04
EFFECTIVE DATE OF APPOINTMENTS

Resolution by: Frisbie
Seconded by: Gardner

RESOLVE the Town Board set the effective date for appointments, unless otherwise stated, as January 1, 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 28-04
WAGES SET FOR FULL TIME EMPLOYEES

Resolution by: Fairbrother
Seconded by: Kaner

RESOLVE that the Town Board set wages for full time Town employees to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook for the following:

Thomas Reed	Attorney for the Town & Water Boards	\$29,783.00/Annual
Merlyn Tiwari	Bookkeeper	27,503.00/Annual
Kimberly Seymour	Deputy Town Clerk	20,540.00/Annual
Helen Schwartz	Clerk to the Town Justice	26,702.00/Annual
Charles Coons	Director BI/Code Enforcement Office	40,197.00/Annual
Eric Corey	Building Inspector/Code Enforcement Officer Assistant	32,864.00/Annual
Nancy VanMaarseveen	Transcribing Typist for BI/CEO/Planning Board	413.00/Weekly
Nancy Reidy	Recreation Leader	26,051.00/Annual
Thomas Tokar	Caretaker/Parks, Buildings and Grounds	33,378.00/Annual
Leon Stiles	Equipment Operator II/Drainage	684.00/Weekly
Teresa Dean	Deputy Tax Collector	462.00/Annual

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 28-04, WAGES SET FOR FULL TIME EMPLOYEES continued

Debra Knoll	Secretary I	27,239.00/Annual
Donald Gaylord	Working Foreperson	46,092.00/Annual
P. Jay Boudreau	Water System Supervisor	45,486.00/Annual
Pamela Kowulich	Senior Account Clerk	24,202.00/Annual

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 29-04
WAGES SET FOR ASSESSOR

Resolution by: Kaner
Seconded by: Fairbrother

RESOLVE that the Town Board set wages for William Torp as Assessor for the Town of Big Flats as a full time Town employees to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook at a salary not-to-exceed \$32,545.00 annually with a term ending September 30, 2007.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 30-04
WAGES SET FOR COMMISSIONER OF PUBLIC WORKS

Resolution by: Kaner
Seconded by: Fairbrother

RESOLVE that the Town Board set wages for Larry Wagner as Commissioner of Public Works for the Town of Big Flats as a full time Town employees to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook at a salary not-to-exceed \$70,344.00 annually with an term ending December 31, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 31-04
WAGES SET FOR PART-TIME EMPLOYEES

Resolution by: Gardner
Seconded by: Fairbrother

RESOLVE that the Town Board set wages of part-time employees to be accepted and paid when due, with the option of New York State Retirement System and Deferred Compensation; however, no Town fringe benefits, for the following:

Richard Bauer	Building Inspector, Part-time	\$10.97/Hourly
William Haner	Building Inspector, Part-time	12.42/Hourly
Tina Brown	Clerk to the Town Justice	8.34/Hourly
Frances Decker	Clerk, Part-time	8.72/Hourly
Suzanne Brinthaup	Part-time Secretary	9.24/Hourly
Patricia Hartigan-Huten	Recreation Attendant	7.96/Hourly, not to exceed 300 hours

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 32-04
TOWN HISTORIAN APPOINTED

Resolution by: Gardner
Seconded by: Fairbrother

RESOLVE the Town Board appoints E. R. Van Etten Town Historian, at \$722.00 annually.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 33-04
WATER BOARD SECRETARY APPOINTED

Resolution by: Gardner
Seconded by: Fairbrother

RESOLVE the Town Board appoints Teresa Dean Secretary to the Water Board.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 34-04
ZONING BOARD OF APPEALS SECRETARY APPOINTED

Resolution by: Frisbie
Seconded by: Kaner

RESOLVE the Town Board appoints Teresa Dean, Secretary to the Zoning Board of Appeals at \$50.00 per meeting.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 35-04
PLANNING BOARD SECRETARY APPOINTED

Resolution by: Frisbie
Seconded by: Kaner

RESOLVE the Town Board appoints Nancy VanMaarseveen, Secretary to the Planning Board at a rate of 1.5 times her hourly rate set for Transcribing Typist for Building Inspector/Code Enforcement/Planning Board, per meeting.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 36-04
YOUTH COMMISSION SECRETARY APPOINTED

Resolution by: Frisbie
Seconded by: Kaner

RESOLVE the Town Board appoints Nancy Reidy, Secretary to the Youth Commission at a rate of 1.5 times her hourly rate set for Recreation Leader, per meeting.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 37-04
PARKS COMMISSION SECRETARY APPOINTED

Resolution by: Balland
Seconded by: Gardner

RESOLVE the Town Board appoints Deanne Williams, Secretary to the Parks Commission at a rate of \$30.00 per meeting.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 38-04
EMERGENCY PREPAREDNESS SECRETARY APPOINTED

Resolution by: Balland
Seconded by: Gardner

RESOLVE the Town Board appoints Suzanne Brinthaup, Secretary for the Emergency Preparedness Committee at a rate of \$30.00 per meeting.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 39-04
COMMUNITY CENTER ADVISORY COMMITTEE SECRETARY APPOINTED

Resolution by: Balland
Seconded by: Gardner

RESOLVE the Town Board appoints Suzanne Brinthaup, Secretary for the Community Center Advisory Committee at the rate of \$30.00 per meeting.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 40-04
BOARDS AND COMMISSION APPOINTMENT

Resolution by: Fairbrother
Seconded by: Kaner

RESOLVE the Town Board appoints the following members to the listed Board/Commission with a term ending as specified:

Lee Younge	Planning Board	December 31, 2010
Sheila Dilmore	Parks Commission	December 31, 2010
Jason Thompson	Youth Commission	December 31, 2010
Harry King	Zoning Board of Appeals	December 31, 2008
Ehtel Clark	Senior Citizens	December 31, 2010

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 41-04
PARKS COMMISSION CO-CHAIRPERSONS APPOINTED

Resolution by: Fairbrother
Seconded by: Kaner

RESOLVE the Town Board appoints John Corkins Jr. and Sheila Dilmore as Parks Commission Co-chairpersons for 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 42-04
PLANNING BOARD CHAIRPERSON APPOINTED

Resolution by: Fairbrother
Seconded by: Kaner

RESOLVE the Town Board appoints Mark Fleisher as Planning Board Chairperson for 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 43-04
YOUTH COMMISSION CHAIRPERSON APPOINTED

Resolution by: Kaner
Seconded by: Fairbrother

RESOLVE the Town Board appoints Robert Thorborg as Youth Commission Chairperson for 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 44-04
ZONING BOARD OF APPEALS CHAIRPERSON APPOINTED

Resolution by: Kaner
Seconded by: Fairbrother

RESOLVE the Town Board appoints Thomas Rhodes as Zoning Board of Appeals Chairperson for 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 45-04
EMERGENCY PREPAREDNESS COMMITTEE CO-CHAIRPERSONS APPOINTED

Resolution by: Kaner
Seconded by: Fairbrother

RESOLVE the Town Board appoints Jane King, Dean Frisbie, and Mary Ann Balland as Emergency Preparedness Committee Co-chairpersons for 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 46-04
COMPENSATION AUTHORIZED FOR BOARDS AND COMMISSIONS MEMBERS

Resolution by: Gardner
Seconded by: Kaner

RESOLVE the Town Board authorizes the Chairperson of the Big Flats Planning Board, Zoning Board of Appeals, and Youth Commission to be paid \$50.00, Parks Commission Co-chairperson to be paid \$25.00 each, for each regularly scheduled monthly meeting actually attended by the Chairperson(s) and payment shall be made by a voucher and submitted to the Bookkeeper, and

BE IT FURTHER RESOLVED that each regular member of the Zoning Board of Appeals, Parks Commission and Youth Commission of the Town of Big Flats shall be paid \$15.00 for each regularly scheduled monthly meeting, Planning Board members shall be paid \$20.00 not-to-exceed 18 meetings, actually attended by said member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 47-04
COMPENSATION AUTHORIZED FOR BOARD OF ASSESSMENT REVIEW MEMBERS

Resolution by: Gardner
Seconded by: Kaner

RESOLVE the Town Board authorizes the Chairperson of the Big Flats Board of Assessment Review to be paid \$100.00 for each session actually attended by the Chairperson and payment shall be made by a voucher and submitted to the Bookkeeper, and

BE IT FURTHER RESOLVED that each regular member of the Board of Assessment Review members shall be paid \$50.00 for each session actually attended by said member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 48-04
WAGES SET FOR ELECTION INSPECTORS

Resolution by: Frisbie
Seconded by: Gardner

RESOLVE the Town Board set wages of Election Inspectors at \$75.00 per day for Primary Elections and Registration, \$100.00 per day for General Elections, \$10.00 for returning supplies to Board of Election for the four (4) sites (doubling up on those returns from Town Hall and any place else as needed), and \$10.00 per training session, plus mileage.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 49-04
SUPERVISOR AUTHORIZED TO HIRE PERSONNEL WHEN NEEDED

Resolution by: Frisbie
Seconded by: Gardner

RESOLVE the Town Board authorize the Supervisor to hire personnel, when prudent and necessary, with the range being \$5.25 to \$8.50 per hour not-to-exceed 21 days without Town Board approval.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 50-04
TEMPORARY STAFF SERVICES APPROVED

Resolution by: Frisbie
Seconded by: Gardner

RESOLVE the Town Board authorizes the Town Supervisor to hire temporary help from the approved list of Jane King, Sheila Dilmore, and Kay Hall at a rate of \$7.50 per hour and Deanne Williams at a rate of \$10.00 per hour as needed.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 51-04
JUSTICES AUTHORIZED TO HIRE STENOGRAPHER

Resolution by: Balland
Seconded by: Frisbie

RESOLVE the Town Board authorizes the Town Justices to hire a stenographer, when needed, at the prevailing rate.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 52-04
APPOINTMENT OF RECEIVERS OF REVENUE FOR WATER DISTRICTS

Resolution by: Balland
Seconded by: Frisbie

RESOLVE the Town Board appoints Pamela Kowulich, Suzanne Brinthaup, Mary Ann Balland, Merlyn Tiwari, Sheila Dilmore, Frances Decker, Jay Boudreau, and Debra Knoll as Receivers of Revenue for the Water Districts.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 53-04
COMMISSIONER OF PUBLIC WORKS AUTHORIZED TO MAKE PURCHASES

Resolution by: Balland
Seconded by: Frisbie

RESOLVE the Town Board authorizes the Commissioner of Public Works to make purchases up to \$5000.00 for parts, tires, and other equipment for use in the Highway Department, as necessary, provided they are covered in the Highway budget.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 54-04

COMMISSIONER OF PUBLIC WORKS AUTHORIZED TO ADVERTISE FOR BIDS

Resolution by: Fairbrother

Seconded by: Frisbie

RESOLVE the Town Board authorizes the Commissioner of Public Works to advertise for bids on tires, salt, cinders, sand, parts and tools, as needed.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 55-04

COMMISSIONER OF PUBLIC WORKS AUTHORIZED TO ACCEPT STATE & COUNTY BIDS

Resolution by: Fairbrother

Seconded by: Frisbie

RESOLVE the Town Board authorizes the Commissioner of Public Works to accept State and County bids for any and all items under State and County bid system, provided they are covered in the Highway budget; with the exception that any bid for vehicles and equipment shall be subject to prior Town Board approval.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO 56-04

COMMISSIONER OF PUBLIC WORKS PURCHASE APPROVAL AUTHORIZED

Resolution by: Fairbrother

Seconded by: Frisbie

RESOLVE the Town Board authorizes the Town Supervisor or Commissioner of Public Works, where applicable; be authorized to approve purchases or services during emergencies exceeding \$1,000.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 57-04

COMMISSIONER OF PUBLIC WORKS HIRING TEMPORARY AGENCIES AUTHORIZED

Resolution by: Kaner

Seconded by: Fairbrother

RESOLVE the Town Board authorizes the hiring of people from temporary agencies be pre-approved by the Town Board, Town Supervisor or Commissioner of Public Works, where applicable.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 58-04

AGREEMENT AUTHORIZED FOR HIGHWAY FUND SPECIAL IMPROVEMENT
EXPENDITURES

Resolution by: Kaner

Seconded by: Fairbrother

RESOLVE the Town Board enter into an agreement to spend \$100,000.00 of Town Highway Funds for Special Improvements for 2004 as set forth in the list presented to the Town Board by the Highway Superintendent.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 59-04

DEPARTMENT OF CORRECTIONAL SERVICES AGREEMENT APPROVED

Resolution by: Gardner

Seconded by: Frisbie

WHEREAS the Commissioner of Public Works has requested the Town Board enter into an agreement with the Department of Correctional Services for the purpose of providing labor services for the cleaning and maintaining of Town roads, parks, ditches, drainage swales, and other applicable services as necessary, and

WHEREAS for environmental review purposes the Town Board finds the hiring of personnel to be a Type II Action and as such no environmental review is required,

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to sign the required Agreement for calendar year 2004 with the Department of Correctional Services for the purposes of providing labor services for the cleaning and maintaining of Town roads, parks, ditches, drainage swales, and other applicable services as necessary.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 60-04

SAFETY OFFICERS APPOINTMENT

Resolution by: Gardner

Seconded by: Frisbie

WHEREAS the Town Board has determined a need to appoint safety officers for the Town of Big Flats,

BE IT THEREFORE RESOLVED the Town Board appoints Larry Wagner; Commissioner of Public Works and Chuck Coons; Director of Building Inspections / Code Enforcement Office, as Safety Officers.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 61-04
ABERCROMBIE AGREEMENT APPROVED

Resolution by: Frisbie
Seconded by: Kaner

WHEREAS the Town Assessor has requested that we retain the services of a professional to assist in the collection, administration, and control of data relating to the real property located within the Town, and

WHEREAS, John Abercrombie has proposed to furnish such services to the Town, and

WHEREAS the Town Assessor recommends and approves the contracting of Mr. Abercrombie, and

WHEREAS the administration and contracting of Town Consultants is a Type II action for purposes of SEQRA and as such no further action needs to be taken in regard to such matters.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Town Supervisor to execute a one year agreement with John Abercrombie, at the rate of pay of \$14.00 per hour, not to exceed \$10,000.00 per year, for the purposes of providing professional services to the Town Assessor in accordance with the terms and conditions of the agreement submitted herewith.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 62-04
ALDEBARAN TELESERVICES CORPORATION CONTRACT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has determined that a computer consultant is needed and has previously entered into contracts with Marc Chevalier of Aldebaran Teleservices Corporation, and

WHEREAS a contact is necessary for the year 2004, and

WHEREAS the hiring of personnel is a Type II action for purposes of SEQRA and as such, no further action is necessary regarding the same.

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Aldebaran Teleservices Corporation as proposed for the purpose of Yes4ATC Consulting Plan services for a period running from January 1, 2004 through December 31, 2004 for a total of 240 hours at a rate of \$72.25 per hour for a total cost not-to-exceed \$17,340.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 63-04
PETTY CASH FUNDS ESTABLISHED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board establishes the following Petty Cash Funds:

Tax Collector	\$100.00
Town Clerk	\$ 50.00
Town Justices	\$ 75.00
Water District #1, #2, #3, and #4	\$ 50.00 each
Building Inspector	\$ 25.00
Department of Public Works	\$ 50.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 64-04
FEE SCHEDULE ADOPTED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS to alleviate any undo burden to the tax payers in the Town of Big Flats and to adequately reimburse the Town for services provided to private citizens and developers by employees of the Town, and

WHEREAS the Town has evaluated and considered the cost associated with various application reviews, variances, permits, inspections and licensing finds that the cost for the services provided by the Town are reasonable and attributable to the applicant for such considerations, review, licensing or permit, and

WHEREAS for environmental review purposes the adoption of a Fee Schedule is a Type II action under SEQRA, NYCRR part 617.5(c)(19)&(26).

BE IT THEREFORE RESOLVED that all expenses incurred by the Town relating to applications and licensing as required by the Town Code are to be paid by the applicant for such actions, and

FURTHER RESOLVED that the fees listed in this resolution are in addition to the consultant, inspection and/or legal pass-thorough fees pursuant to Local Law No. 10, 2001, Chapter 2.08 of the Town Code, and

FURTHER RESOLVED that the following application and licensing fee schedules are hereby adopted and in effect for the listed activities or actions:

BUILDING PERMIT APPLICATION FEE SCHEDULE

<i>PROJECT TITLE</i>	<i>BASE FEE</i>	<i>ADDITIONAL FEES</i>
1 & 2 Family Properties	\$ 25.00	Add \$1.00 per thousand of construction cost AND Add \$0.06 per square foot for new construction (living space)
Multi-family and Apartments	\$ 25.00	Add \$1.00 per thousand of construction cost AND Add \$0.08 per square foot for new construction (living space)

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

<i>PROJECT TITLE</i>	<i>BASE FEE</i>	<i>ADDITIONAL FEES</i>
Commercial & Industrial	\$ 50.00	Add \$2.00 per thousand of construction cost AND Add \$0.02 per square foot for remodeling AND Add \$0.10 per square foot for new construction
Demolition and Removal Permits	\$ 20.00 \$ 50.00	Residential Commercial
Driveway / Curb Cut	\$ 10.00 \$ 50.00	Residential Commercial
Mobile Home Setup	\$ 75.00	NA
Sheds	\$ 25.00	With NO dimension larger than 16'
Swimming Pools	\$ 25.00	In ground and above ground
Signs	\$ 25.00	PLUS \$0.05 square foot Add \$50.00 for freestanding sign
Systems Permits (HVAC, plumbing, electric, other mechanical)	\$ 25.00 \$ 75.00	Residential Commercial
Building without a Permit	\$50.00	PLUS cost of permit
Permit Renewal	50% of cost of original permit	NA – renewal for 6 months.

APPLICATION TO THE PLANNING BOARD

Site Plan Review

- Residential \$100.00 (add \$50.00 for each additional building)
- Non-Residential \$250.00 (add \$50.00 for each additional building)
- Amendment \$ 50.00

Subdivision

- Residential \$ 50.00 plus \$10.00 per lot over 3 lots
- Non-Residential \$100.00 plus \$10.00 per lot over 3 lots

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004
RESOLUTION NO. 64-04, FEE SCHEDULE ADOPTED continued

APPLICATION FEES FOR SPECIAL PERMIT, VARIANCE, ZONING AMENDMENT	
APPLICATION	BASE FEE
SPECIAL PERMIT	
ALL	\$50
VARIANCE	
RESIDENTIAL AREA	\$45
NON-RESIDENTIAL AREA	\$100
SIGN	\$50
USE	\$150
ZONING AMENDMENT	
UP TO 5 ACRES	\$50
5 - 25 ACRES	\$100
25+ ACRES	\$150
OTHER PERMITS FEE SCHEDULE	
APPLICATION	BASE FEE
TIMBER HARVEST PERMIT	\$35 plus the required Performance Guarantee for the purposes outlined in Local Law #7 of 2001, Chapter 5.16 of the Town Code
FLOODPLAIN DEVELOPMENT PERMIT	\$25
JUNK DEALER S' LICENSE	\$50
PEDDLERS AND SOLICITORS LICENSE	\$25 plus \$10 for each additional person or vehicle used for the purposes outlined in Local Law # 8 of 2001, Chapter 5.12 of the Town Code
UNREGISTERED MOTOR VEHICLE PERMIT	
1 – 60 DAYS	\$25
61 – 120 DAYS	\$50
121 – 270 DAYS	\$150
271 – 365 DAYS	\$300

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 2, 2004

RESOLUTION NO. 64-04, FEE SCHEDULE ADOPTED continued

PHOTO COPYING FEES	
SIZE/DOCUMENTS	\$ PER PAGE
<9" X 14"	\$.25
>9" X 14", plans, Subdivision Plat, books, codes & other large documents	Actual cost of reproduction or procurement

DOG LICENSES FEES	
	FEE ¹
Spayed Females/Neutered Males	\$3.50
Un-spayed Females/Un-neutered Males	\$9.50

¹State fees are in addition to the local fees listed in this table.

NOTE: A consultant, inspection and/or legal pass-through fee pursuant to Chapter 2.08 of the Town Code may be applicable in addition to any application fee listed in this schedule

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 65-04
PREPAYMENT APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

RESOLVE the Town Board authorizes the prepayment to W.J. Farmer Insurance for Property/Casualty Insurance renewal in the amount of \$55,115.63 effective January 1, 2004 through January 1, 2005, and

FURTHER RESOLVE the Town Board authorizes the prepayment to Association of Towns for 2004 Association Membership Dues in the amount of \$1,100.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

Councilperson Kaner made a motion, seconded by Councilperson Fairbrother, to adjourn the Town Board Organizational meeting at 4:47 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD WORKSHOP OF JANUARY 14, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Dean Frisbie
 Edward Fairbrother
 Leonard Kaner
 Clerk Teresa Dean

ABSENT: Council Duane Gardner
 Attorney Thomas Reed II

Supervisor Balland called the Town Board workshop to order at 4:30 p.m.

REPORTS.

The following report for December 2003 have been received and are on file in the office of the Town Clerk:

Town Clerk's monthly report; Justice Court monthly report; Assessor's monthly report; Building Department/Code Enforcement monthly report; Parks Commission minutes; CC SPCA November and December reports; Department of Public Works monthly report.

Councilperson Gardner arrived at 4:35 p.m.

PERSONNEL. No report

SEWER. Councilperson Gardner stated that an election is being held on February 3, 2004 between the hours of 6:00 a.m. – 9:00 p.m. All registered voters in the proposed district are eligible to vote.

COMMUNITY CENTER ADVISORY COMMITTEE. Supervisor Balland stated that the Community Center Advisory Committee would be meeting at 7:00 p.m. on January 15, 2004.

CONCERNS OF THE PEOPLE.

Mike Nicolo, 458 Sing Sing Road, thanked that Town for the letter regarding the extension of Water District #2 and also expressed concerns with the inadequate signing and lack of pavement markings on Chambers Road South in the vicinity of Consumer Square.

RESOLUTION NO. 66-04 PARKS COMMISSION MEMBER APPOINTMENT

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Town Board approved Resolution No. 40-04 which appointed Sheila Dilmore as a Park Commissioner member with a term ending December 31, 2010, and

WHEREAS said appointment should have been Sheila French rather than Dilmore, now

MINUTES OF TOWN BOARD WORKSHOP OF JANUARY 14, 2004

RESOLUTION NO. 66-04, PARKS COMMISSION MEMBER APPOINTMENT continued

BE IT THEREFORE RESOLVED the Town Board omits the name Sheila Dilmore and appoints Sheila French to the Parks Commission with a term ending December 31, 2010.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 67-04
COMMISSIONER OF PUBLIC WORKS PURCHASE AMOUNT APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS the Town Board approved Resolution No. 53-04 authorizing the Commissioner of Public Works to make purchases, and

WHEREAS it has been determined that said resolution should be modified to include the Department of Public Works, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to make purchases up to \$5,000.00 for parts, services, and other equipment for use in the Department of Public Works, as necessary, provided they are covered in the budget.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 68-04
AMENDING RESOLUTION NO. 65-04 PREPAYMENT AMOUNT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board approved Resolution No. 65-04 authorizing the prepayment of \$55,115.63 to W.J. Farmer Insurance for Property/Casualty Insurance, and

WHEREAS the Town Supervisor was informed that the insurance cost has significantly increased to a renewal amount of \$86,459.71, now

BE IT THEREFORE RESOLVED the Town Board authorizes a prepayment to W.J. Farmer Insurance for Property/Casualty Insurance effective January 1, 2004 through January 1, 2005 for a renewal amount of \$86,459.71.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD WORKSHOP OF JANUARY 14, 2004

RESOLUTION NO. 69-04
2003 ACCOUNT PAYABLES APPROVED

Resolution by: Gardner
Seconded by: Kaner

RESOLVE the Town Board approve the following 2003 Account Payables:

GENERAL FUND

Bridgecom	A1620.0400	\$ 62.19 and
Broadview	A1620.0400	\$536.54 and
	A1620.0401	\$ 29.79 and
	A7310.0400	\$ 37.55
GovConnection, Inc.	A1680.0400	\$ 550.00 and
	A1410.0400	\$ 761.14
Office Management Scvs	A1220.0400	\$ 213.85
Nancy Reidy	A7310.0400	\$1,092.40
W.J. Farmer Insurance	A1910.0400	\$1,216.00

HIGHWAY DEPARTMENT

Cargill Inc.	D5142.0400	\$4,060.87
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GENERAL, HIGHWAY AND WATER FUNDS

Zurich American Ins.	A9055.0800	\$457.20 and
	D9055.0800	\$121.50 and
	S19055.0800	\$ 21.56 and
	S29055.0800	\$ 23.57 and
	S39055.0800	\$ 16.16 and
	S49055.0800	\$ 6.06

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD WORKSHOP OF JANUARY 14, 2004

RESOLUTION NO. 70-04
BIG FLATS AMERICAN LEGION GAMES OF CHANCE AND BINGO LICENSES
APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS the Town Clerk duly submitted the Games of Chance and Bingo applications to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination, and

WHEREAS the Chemung County Sheriff's Department has conducted their investigation and determined the designated members conducting bingo games are of good moral character,

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the Application for Games of Chance License, dated December 30, 2003, and Application for Bingo License, dated December 31, 2003, from the Big Flats American Legion Post 1612 to perform games of chance and bingo events as outlined in the application.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 71-04
SUPPORTING RESOLUTIONS FOR 2004 TRAINING SCHOOL AT THE ASSOCIATION
OF TOWNS MEETING APPROVED

Resolution by: Fairbrother
Seconded by: Gardner

WHEREAS the Town Board has received numerous resolutions from the Association of Towns to be considered at their 2004 training school, and

WHEREAS the Town Board is in agreement with the resolutions, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board of the Town of Big Flats supports the adoption of the following resolutions submitted by the Association of Towns of the State of New York:

MINUTES OF TOWN BOARD WORKSHOP OF JANUARY 14, 2004

RESOLUTION NO. 71-04, SUPPORTING RESOLUTIONS FOR 2004 TRAINING SCHOOL
AT THE ASSOCIATION OF TOWNS MEETING APPROVED continued

- Resolution No. 1: NYS and Local Employees' Retirement System Payment;
- Resolution No. 2: Collateral Source Legislation;
- Resolution No. 3: Property Tax Exemptions;
- Resolution No. 4: Condominium Assessments;
- Resolution No. 5: Cable Franchise Fees;
- Resolution No. 6: Unfunded Mandates;
- Resolution No. 7: WICKS Law & Prevailing Wage; and
- Resolution No. 8: Tort Reform.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 72-04
AUTHORIZATION TO ATTEND THE ASSOCIATION OF TOWNS TRAINING SCHOOL
AND ANNUAL MEETING ON FEBRUARY 15-18, 2004 APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Association of Towns will host their annual 2004 Training School & Annual Meeting on February 15-18, 2004 for Town Officers and Government Officials, and

WHEREAS it has been determined by the Town that representatives should attend said meeting, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Tom Reed - Attorney for the Town, Larry Wagner – Commissioner of Public Works, and Charles Coons – Director of Building Inspection/Code Enforcement to attend the Association of Towns conference with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD WORKSHOP OF JANUARY 14, 2004

RESOLUTION NO. 73-04
MEMORIAL HOSPITAL, INC. OF TOWANDA, PA AGREEMENT APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS Memorial Hospital, Inc. of Towanda has provided necessary drug and alcohol testing for applicable Town Employees for the past 2 years, and

WHEREAS Memorial Hospital, Inc. of Towanda, Pennsylvania proposes to extend its contract for 2 more years at no cost increase, and

WHEREAS Memorial Hospital, Inc.'s proposal fully and adequately provides the necessary services herein at a fair and reasonable cost thereto, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Supervisor is hereby authorized to execute a two-year agreement with Memorial Hospital, Inc. of Towanda Pennsylvania at the annual cost of \$100.00 per Town driver, for the purposes of conducting the necessary drug and alcohol testing of the applicable Town employees.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 74-04
PLANNING BOARD MEMBER RESIGNATION APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS the Planning Board Chairperson received a letter of resignation, dated December 29, 2003, from Lee S. McDonald as a Planning Board member, and

WHEREAS the Planning Board has acknowledged receipt of said letter and referred the matter to the Town Board, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD WORKSHOP OF JANUARY 14, 2004

RESOLUTION NO. 74-04, PLANNING BOARD MEMBER RESIGNATION APPROVED
continued

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Lee S. McDonald as a Planning Board member effective December 29, 2003 and request the Town Supervisor to send a letter to Mr. McDonald thanking him for his service and dedication.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 75-04
BRIGGS APPRAISAL SERVICES AGREEMENT APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Town Board has, as recommended by the Assessor, determined it necessary to contract with Briggs Appraisal Services for the purposes of review and assessment for commercial properties located in the Town of Big Flats, and

WHEREAS the administration process of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Briggs Appraisal Services for professional services at a cost not-to-exceed \$10,000.00 contingent upon the review and approval of the Attorney for the Town.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 76-04
CREIGHTON MANNING ENGINEERING, LLP AGREEMENT APPROVED

Resolution by: Balland
Seconded by: Gardner

WHEREAS the Town Board has been requested, by the Director of Code Enforcement, to enter into an agreement with Creighton Manning Engineering (CME), LLP for the purposes of reviewing the traffic analysis submitted by SYNTHES (USA), and

WHEREAS said review expenses will be covered under the provisions of Chapter 2.12 of the Town of Big Flats Municipal Code, and

WHEREAS the administration process of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD WORKSHOP OF JANUARY 14, 2004

RESOLUTION NO. 76-04, CREIGHTON MANNING ENGINEERING, LLP AGREEMENT
APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Creighton Manning Engineering, LLP for professional services at a cost not-to-exceed \$2,200.00 to be allocated from the Trust and Agency account, contingent upon the review and approval of the Attorney for the Town.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

CORRESPONDENCE

Notice of Order for Stop Control/NYSDOT. A letter, dated December 31, 2003, was received from Trudi Cline – Traffic Engineering Investigator for New York State Department of Transportation informing the Town Board that a Notice of Order for stop control has taken place. The order whereby repeals Section 2307.09 (a)(17) of the Department's regulations.

Programming Affiliate Agreement/Time Warner Cable. A letter was received from David Whalen, Vice President for Public and Governmental Relations of Time Warner Cable, dated December 30, 2003, informing the Town Board that the terms of agreement with Fox Sports New York and the MSG Network have been extended until January 15, 2004.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session at 4:55 p.m. for the purposes of discussing pending litigation and requested the Town Clerk to be present. All in favor, motion carried.

Attorney Reed arrived at 4:55 p.m.

Supervisor Balland reconvened the Town Board workshop to order at 5:22 p.m. Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the Town Board workshop. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2004

PRESENT:	Supervisor	Mary Ann Balland
	Council	Duane Gardner
		Leonard Kaner
	Attorney	Thomas Reed II
	Clerk	Teresa Dean
ABSENT:	Council	Dean Frisbie
		Edward Fairbrother

Supervisor Balland called the Town Board meeting to order at 7:03 p.m.

MINUTES.

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of December 29, 2003 as presented. All in favor, except Councilperson Frisbie and Fairbrother were absent. Motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of January 2, 2004 as presented. All in favor, except Councilperson Frisbie and Fairbrother were absent. Motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of January 14, 2004 as presented. All in favor, except Councilperson Frisbie and Fairbrother were absent. Motion carried.

REPORTS.

Supervisor Balland provided the Town Board with the following updated reports:

- A meeting was held with representatives of SYNTHES and the Town consultants regarding the traffic review;
- Rezoning Committee has met to discuss the rezoning of the hamlet;
- A meeting was held with Mike Krusen, Chemung County Executive Deputy, to discuss the status of the library and shared services, specifically the summer parks and community center programs; and
- An annual reassessment meeting is scheduled for February 9, 2004 with representatives from New York State Office of Real Property.

NOTE: Councilperson Frisbie arrived at 7:07 p.m.

CONCERNS OF THE PEOPLE.

Mike Nicolo, 458 Sing Sing Road, stated that the Town should consider providing the Attorney for the Town a designated parking space. Supervisor Balland stated that it would be taken under consideration.

Councilperson Kaner requested the Chemung County Department of Public Works be contacted to discuss the installation of a speed limit sign in the area of Davis Garden Center due to the fact that once you turn east on Main Street the first speed limit sign is 45 mph.

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2004

OLD BUSINESS

RESOLUTION NO. 77-04
FEE SCHEDULE AMENDMENT TO THE BASE FEE REFERENCE TO TIMBER
HARVEST PERMIT APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS the Town Board adopted Resolution No. 64-04, "Fee Schedule Adopted" at their Organizational Meeting of January 2, 2004, and

WHEREAS it has been determined that clarification is required for the base fee reference of the Timber Harvest Permit application, now

BE IT THEREFORE RESOLVED the Town Board amends the Timber Harvest Permit base fee to read as follows:

*\$35.00 plus Performance Bond or Certified Check
at the rate of \$30.00 per acre or a maximum of
\$2,500 for the purposes outlined in Chapter 5.16 of
the Town Code.*

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

NEW BUSINESS

RESOLUTION NO. 78-04
PLANNING BOARD MEMBER APPOINTMENT APPROVED

Resolution by: Gardner
Seconded by: Kaner

WHEREAS the Town Board accepted a resignation from Lee McDonald as a Planning Board member, and

WHEREAS the Town Planning Board, in Resolution No. P8-2004, recommended the Town Board appoint Milton Simpson to fill the unexpired term, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same,

NOW, BE IT THEREFORE RESOLVED the Town Board appoints Milton Simpson, 26 Churchill Place, Big Flats, NY to the Town Planning Board with a term ending December 31, 2006.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2004

RESOLUTION NO. 79-04

RESIGNATION OF THE CLERK TO THE JUSTICE, PART-TIME AND APPOINTMENT OF
DAIL PHELPS AS CLERK TO THE JUSTICE, PART-TIME APPROVED

Resolution by: Balland

Seconded by: Kaner

WHEREAS the Town Justices have received a letter of resignation from Tina Brown, Clerk to the Justice – Part-time, dated January 5, 2004, effective January 16, 2004, and

WHEREAS said resignation has been accepted and a candidate has been sought, and

WHEREAS the Town Justices recommend the Town Board hire Dail Phelps for the position of Clerk to the Justice, Part-time, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same,

NOW, BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Tina Brown and authorizes the hiring of Dail Phelps, 42 Catlin Hill Road, Beaver Dams, as the Clerk to the Justice, Part-time effective January 29, 2004 at the rate of \$8.00 per hour.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland

NAYS: None

ABSENT: Fairbrother

RESOLUTION NO. 80-04

ADVERTISEMENT TO BID FOR BLACKTOP PLACEMENT APPROVED

Resolution by: Kaner

Seconded by: Fairbrother

WHEREAS the Commissioner of Public Works in concurrence with the Highway Supervisor recognizes that bid specifications should be completed for blacktop placement on a per ton basis, and

WHEREAS for environmental review purposes, the repaving of existing roads is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (19) and as such no further action is necessary regarding the same,

NOW, BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to advertise the aforementioned bid specifications contingent on the review and approval of the bid specifications by the Attorney for the Town

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland

NAYS: None

ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2004

RESOLUTION NO. 81-04
BUILDING INSPECTORS ATTENDANCE TO FINGER LAKES BUILDING OFFICIALS
CONFERENCE FOR MARCH 23 & 24, 2004 APPROVED

Resolution by: Gardner
Seconded by: Fairbrother

WHEREAS the Finger Lakes Building Officials conference is a training conference for Code Enforcement Officers, and

WHEREAS New York State requires code officials to obtain 24 credit hours of training to maintain state certification, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Charles Coons, Director of Building Inspection/Code Enforcement and Eric Corey, Code Enforcement Officer, to attend the Finger Lakes Building Officials conference with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 82-04
ATTORNEY PHILIP SPELLANE FOR ADDITIONAL LEGAL REPRESENTATION ON
BEHALF OF THE TOWN APPROVED

Resolution by: Balland
Seconded by: Kaner

WHEREAS on or about January 14, 2004, Robert F. Izzo and Bruce R. Miller commenced additional action against the Town of Big Flats, and

WHEREAS the Town Board has entered into an agreement with Phillip Spellane of Harris Beach LLP for the purposes of representing the Town, and

WHEREAS the Town Board has determined that it is necessary to extend the services of Attorney Spellane, and

WHEREAS, this is a Type II administrative action under SEQRA and thus no further environmental review is necessary herein, now

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2004

RESOLUTION NO. 82-04, ATTORNEY PHILIP SPELLANE FOR ADDITIONAL LEGAL REPRESENTATION ON BEHALF OF THE TOWN APPROVED continued

BE IT THEREFORE RESOLVED that the Town Board amends the agreement with Phillip G. Spellane, Harris Beach LLP, for purposes of representing the Town in the Article 78 proceedings scheduled for March 4, 2004.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 83-04

ATTORNEY FOR THE TOWN TO DEFEND THE TOWN FOR THE NOTICE OF PETITION TO THE NEW YORK STATE SUPREME COURT APPELLATE DIVISION APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS the Town Supervisor and individual Town Board members have received a Notice of Petition from Bruce R. Miller and Robert F. Izzo to the New York State Supreme Court Appellate Division – Third Department, and

WHEREAS representation of said petitions is outside the general employment parameters for the Attorney for the Town, and

WHEREAS the administration and management of Town personnel is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board appoints Thomas Reed II, Attorney for the Town, to represent respondents in defense for the Notice of Petition at the rate of \$90.00 per hour, which is outside the general employment parameters.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 84-04
BUDGET TRANSFER APPROVED

Resolution by: Balland
Seconded by: Gardner

RESOLVE the Town Board authorizes the following budget transfer:

2003 GENERAL FUND
From: Hospital and Dental Ins. A9060.0800 \$72.40
To: Disability Insurance A9055.0800 \$72.40
and

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2004

RESOLUTION NO. 84-04, BUDGET TRANSFER APPROVED continued

2004 GENERAL FUND

From: Contingency	A1990.0400	\$40,000	
To: Unallocated Insurance	A1910.0400	\$20,000	
Attorney Fees	A1420.0400	\$20,000	

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 85-04

ABSTRACT OF AUDITED VOUCHERS FOR JANUARY 2004 APPROVED

Resolution by: Balland

Seconded by: Kaner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for January 2004, vouchers 934 – 1045, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$159,569.57
HIGHWAY FUND	\$ 49,998.48
CAPITAL PROJECT #6	\$364,584.08
WATER DISTRICT #1	\$ 17,796.65
WATER DISTRICT #2	\$ 8,604.96
WATER DISTRICT #3	\$ 6,591.32
WATER DISTRICT #4	\$ 529.12
LIGHTING DISTRICT	\$ 648.19
TRUST & AGENCY	\$ 1,237.25

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

CORRESPONDENCE

Speed Limit Investigation – CR 64/NYS DOT. A letter was received from New York State Department of Transportation, dated January 8, 2004, informing the Town Board they have completed their investigation of the speed limit reduction request for Main Street between Hammond Street and Winters Road. As a result of said investigation, it has been determined that a reduction of the speed limit is not warranted.

Referral Recommendation/CC Planning Board. A copy of the discussions and motions was received from the Chemung County Planning Board providing their motion of the zoning referrals for Wheeler Subdivision and Reynolds Subdivision.

Election Certification/BF Fire District #1. A Certificate of Inspectors of Election for Big Flats Fire District #1, dated December 9, 2003, was received informing the Town Board that Michael A. Zine was elected as Commissioner of said Fire District for a five (5) year term.

MINUTES OF TOWN BOARD MEETING OF JANUARY 28, 2004

Election Certification/Fire District #3, West Hill. A letter was received from John McGlenn of West Hill Fire District #3, dated January 5, 2004, providing a list for 2004 of the Board of the Commissioners, Treasurer, Chief, Assistant Chief, Lieutenant, and Fire Police Captain.

Since there was no further business to come before the Town Board, Councilperson Gardner made a motion, seconded by Councilperson Kaner, to adjourn the meeting at 7:19 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 11, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Dean Frisbie
 Edward Fairbrother
 Leonard Kaner
 Clerk Teresa Dean

ABSENT: Attorney Thomas Reed

Supervisor Balland called the Town Board Workshop to order at 4:30 p.m. and led the Town Board and audience in the Pledge of Allegiance.

REPORTS.

Judith Zimmerman, Chairperson of the Community Center Advisory Committee, stated that the Committee has met and are developing policies, including use and fee schedules. She also recommended that John Farr be appointed to fill the term of Theresa Reed. A tour of the Community Center for the Committee has been scheduled for Saturday and meetings will be scheduled every week to ten days.

Ms. Zimmerman, Chairperson of the Library Task Force, stated that the committee has grown and everyone has concerns with the continuance of the Library. The committee has seen what services would look like with the \$70,000.00 cut. The group is committed to keeping the library.

Bill Torp, Assessor, stated they are in the process of calculating the figures for residential properties and conducting meetings with large commercial owners. A tentative presentation meeting is scheduled with David Briggs on March 10, 2004.

Ms. Zimmerman thanked the Town Supervisor for providing Councilperson Frisbie as a liaison to the Community Center Advisory Committee.

The following reports for January 2004 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Supervisor's Fund Balance Report; Justice Court Monthly Report; Assessor's Monthly Report; Building Department/Code Enforcement's Monthly Report; Youth Commission Minutes; Park Commission Minutes; Dog Licensing Monthly Report; Town Historian Annual Report; ATC Contract Transaction Report; and Department of Public Works Monthly Report.

OLD BUSINESS

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 11, 2004

RESOLUTION NO. 86-04
FAGAN ENGINEERS AGREEMENT FOR PLAN OF THE PROPOSED SEWER DISTRICT
EXTENSION APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has determined that there is a need for a map, plan and report of the proposed sewer district extension to Winters Road, Maple Street and a portion of Canal Street, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Fagan Engineers for the purpose of producing a map, plan and report of extending the sewer to Winters Road, Maple Street and a portion of Canal Street at a cost not-to-exceed \$2,000.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

Chuck Coons – Director of Building Inspection/Code Enforcement stated that his understanding of the proposed sewer district extension was that it would go from the back portion of the Corning Inc. property and onto Hibbard Road and not Winters Road.

RESOLUTION NO. 87-04
STANLEY ACCESS TECHNOLOGIES AGREEMENT

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Town Board authorized the installation of an automatic door at the Big Flats Post Office located at 471 Maple Street, and

WHEREAS the Commissioner of Public Works has recommended the Town Board enter into an agreement with Stanley Access Technologies, Inc. for the purpose of providing maintenance and safety inspections of said doors, and

WHEREAS for environmental review purposes, the repaving of existing roads is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 11, 2004

RESOLUTION NO. 87-04, STANLEY ACCESS TECHNOLOGIES AGREEMENT continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to renew the agreement with Stanley Access Technologies for an additional year for the purpose of providing maintenance and safety inspections at an annual cost of \$500.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

CONCERNS OF THE PEOPLE.

Mike Nicolo, 458 Sing Sing Road, pointed out that Community Days has not received a bill for the tree and also reported that they are discussing a silent auction; therefore he requested the Town Board consider providing a service for this auction.

Jack Wakefield, 15 Miller Street, thanked Mr. Wagner for his quick response to the drainage concerns near his property. He also asked what the Town Board was doing to keep the people in the loop and where other companies considered to complete the plans for the proposed extension? Supervisor Balland stated that the County Sewer District uses Fagan Engineers for their work; therefore, the Town Board determined to use the same engineer.

NEW BUSINESS

RESOLUTION NO. 88-04
FEE FOR A CERTIFIED TAX PAID RECEIPT TO \$5.00 APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS the Town of Big Flats requires a fee of \$3.00 for the purposes to certify that taxes have or have not been paid, and

WHEREAS it is recommended by the Tax Collector that the Town Board consider raising said fee to \$5.00, and

WHEREAS for environmental review purposes the adoption of a Fee Schedule is a Type II action under SEQRA, 6NYCRR part 617.5(c)(19), now

BE IT THEREFORE RESOLVED the Town Board sets the fee for the Tax Collection office to charge \$5.00 to certify that taxes have or have not been paid.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 11, 2004

RESOLUTION NO. 89-04
SOUTHERN TIER ECONOMIC GROWTH AGREEMENT APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS the Town Board has determined to enter into an agreement with Southern Tier Economic Growth Inc. (STEG) for the purposes of providing continued economic growth and development services, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Southern Tier Economic Growth Inc. (STEG) for the purpose of providing continued economic growth and development services for calendar year 2004 at a cost not to exceed \$5,000.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 90-04
ZONING AMENDMENT REQUEST BY GLENN & DIANE FARR FOR TAX PARCEL
#66.02-2-31.172 DENIED

Resolution by: Frisbie
Seconded by: Gardner

WHEREAS the Town Board has received a letter from Glenn R. & Diane M. Farr requesting the action of a zoning amendment to permit an office for their business and a sales and service area on Tax Parcel #66.02-2-31.172 presumably as a principal use, and

WHEREAS presently the parcel is zoned Business Neighborhood 2 District which does not allow retail sales, and

WHEREAS the request for a zoning amendment does not specify a particular zoning amendment other than one that will permit an office for their business and sales and service area, and

WHEREAS the request zoning amendment could potentially be for an addition in Code Section 17.12.010 a business office and a sales and service area in the BN2 District of change a portion of the District in which Tax Parcel #66.02-2-31.172 lies to a district that permits the requested uses, and

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 11, 2004

RESOLUTION NO. 90-04, ZONING AMENDMENT FOR TAX PARCEL #66.02-2-31.172
DENIED continued

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board finds a zoning amendment to permit a business office and a sale and service area on Tax Parcel #66.02-2-31.172 is not consistent with the Town Comprehensive Plan based on the following:

- The intent of the BN2 district, as described in Chapter 17.08.040(F) of the Town Municipal Code, stated that “due to its proximity to residential uses certain principal uses shall be excluded that are permitted in ABD and other districts of the Town; and
- The nearest district that currently permits the requested use is Town Center. It is not logical to extend the Town Center district due to the separation of Route 17 (Interchange 86).

FURTHER RESOLVED hereby denies the request to rezone Tax Parcel #66.02-2-31.172 as submitted by Glenn and Diane Farr.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 91-04
RESIGNATION OF THERESA REED AND APPOINTING JOHN FARR TO THE
COMMUNITY CENTER ADVISORY COMMITTEE APPROVED

Resolution by: Kaner

Seconded by: Fairbrother

WHEREAS the Town Board established a Community Center Advisory Committee whose purpose is to formulate policy and regulations to be presented to the Town Board, and

WHEREAS the Town Board adopted Resolution No. 278-03 appointing member to said Committee, and

WHEREAS Theresa Reed has chosen to resign from said Committee, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints John Farr, 16 Winters Road, to fill the unexpired terms of Theresa Reed to expire on December 31, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 11, 2004

CORRESPONDENCE

FEMA Assistance/NYS Emergency Management Office. A notice was received from New York State Emergency Management Office, dated January 28, 2004, informing the Town Board that a payment has been processed in the amount of \$5,617.63 as a result of the damages sustained in the 2003 Summer Storms.

Sales Tax Distribution/CC Executive. A copy of a letter written to Honorable Cornelius Milliken, Chairperson for the Chemung County Legislature, dated January 14, 2004, from Honorable Thomas Santulli (Chemung County Executive) recommending that the Sales Tax distribution formula agreement continue the present distribution until December 31, 2005.

Corning-Painted Post Airport Master Plan/STCRP&DB. A memo was received from Tom McGarry, Economic Development Coordinator for Southern Tier Central Regional Planning & Development Board, dated January 28, 2004, informing the Town Board that the Draft Environmental Assessment for improvements to the Corning-Painted Post Airport Master Plan is available for comments until February 27, 2004.

Appreciation/Basit Naseeb. A letter was received from Basit Naseeb, dated January 19, 2004, thanking the Town Supervisor for meeting with them to discuss the future of Desi World Store.

Hamlet Rezoning Comments/Ezra Wolcott. A letter was received from Ezra Wolcott, dated January 22, 2004, regarding his concerns with the proposed rezoning of the Hamlet area that would include his property located between Hammond Street and Winters Road.

Plan Update/Verizon Wireless. A notice was received from Paul Hrynkiw, Business Account Executive of Verizon Wireless, dated January 23, 2004, providing an update of the latest New York State pricing.

Organizational Meeting Update/BF Fire District No. 1. A letter was received from Linda van der Grinten, Secretary/Treasure of Big Flats Fire District No. 1, dated February 3, 2004, informing the Town Board of the appoints for Chairman, Secretary, Treasurer and the meeting dates for 2004.

Public Protection Classification/ISO. A copy of a letter written to Big Flats Fire District No. 1, dated January 23, 2004, from the Insurance Services Office, Inc. was received providing the result of the Public Protection Classification survey. The classification has improved to a Class 5/8B and they will notify the subscribing insurers of the change and assign an effective date of May 1, 2004.

NYS Fish & Wildlife License Notification/Tanglewood. A notice was received from Tanglewood Nature Center and Museum, dated February 4, 2004, informing the Town Board that they have venomous snakes on their property at 443 Coleman Avenue.

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session following the presentation to discuss pending litigation. All in favor, motion carried.

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 11, 2004

At 4:50 p.m. Supervisor Balland announced a ten-minute recess.

NOTE: Attorney Reed arrived.

Supervisor Balland reconvened the Town Board Workshop at 5:04 p.m. and stated that a presentation would be given to discuss the traffic plans/modification on Sing Sing, Kahler Roads and Daniel Zenker Drive as a result of SYNTHES USA.

PRESENTATION – SYNTHES USA, TRAFFIC IMPROVEMENT PROPOSAL

Chuck Coons – Director of Building Inspection/Code Enforcement and Larry Wagner – Commissioner of Public Works provided the presentation by showing the plans submitted for the SYNTHES USA project. During the presentation, the following questions or comments were raised:

INTERSECTION OF DANIEL ZENKER DRIVE AND KAHLER ROAD

- Type of pavement markings being used;
- Control of the traffic light at this intersection – blinking or full timed signal;
- Bank drop-off along Kahler Road; and
- Speed limit

INTERSECTION OF KAHLER ROAD AND SING SING ROAD

- Speed limit;
- Who has the merge right-of-way;
- Why is there no yield sign;
- Distance of the merged area;
- Turning radius when turning left from Sing Sing Road onto Kahler Road;
- Locations of curb cuts in relation to the intersection;
- What is the island area constructed of;
- Distance between this intersection and the VIP Structures curb cut; and
- Site distance in this area with the curve on Sing Sing Road

INTERSECTION OF SING SING ROAD AND AIRPORT ROAD

- Roads going off Sing Sing Road to the facility – are they one way roads;
- What is there to stop people from taking a short cut by using Yawger Road;
- With the anticipated traffic increase on Yawger Road – is it built for this type of traffic;
- Concerns with the merge lane;
- Speed Limit; and
- Cost of traffic signals

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 11, 2004

PRESENTATION – SYNTHES USA, TRAFFIC IMPROVEMENT PROPOSAL continued

GENERAL QUESTIONS

- What is the cost of the traffic improvements;
- Who is paying for the cost of the road improvements;
- Has anyone checked the peak times of the Airport to see if there is conflict with the traffic flow for the facility;
- Concerns with the traffic trying to cross Sing Sing Road to enter the Airport;
- Landscape along parking lot and Yawger Road;
- Shift arrival/departure conflict with school bus scheduling;
- Lack of turning lanes;
- Highly request entire length of Sing Sing Road be designated as 30 MPH;
- Turning radius for trucks leaving VIP Structures that cross the lanes to make the turn; and
- Several concerns with the traffic flow on Yawger Road

The Town Board entered into Executive Session at 5:42 p.m.

Supervisor Balland reconvened the Town Board Workshop at 6:10 p.m. Since there was no further business to come before the Board, Councilperson Frisbie made a motion, seconded by Councilperson Gardner, to adjourn the meeting at 6:10 p.m.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 25, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Dean Frisbie
 Leonard Kaner
 Attorney Thomas Reed
 Clerk Teresa Dean

ABSENT: Council Edward Fairbrother

Supervisor Balland called the Town Board meeting to order at 7:00 p.m. and reported Councilperson Fairbrother was out of state on company business.

MINUTES

Councilperson Kaner made a motion, seconded by Councilperson Frisbie, to approve the minutes of January 28, 2004 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of February 11, 2004 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, asked what the status was of the water district extension? Supervisor Balland stated a second letter is being drafted and will be sent to the residents with an estimated annual assessment cost. Mr. Nicolo also asked if the Town knew or who he could contact to determine how much of County funds were being used for SYNTHES. Supervisor Balland stated that she could contact the County Executive; however, he may want to contact the Big Flats County Legislature representative.

Jack Wakefield, 15 Miller Street, asked what the status was of the proposed sewer district extension? Supervisor Balland reported that meetings have been held with Dennis Fagan of Fagan Engineers to discuss three options and a meeting will be held to determine whether or not the project is feasible. Mr. Wakefield stated he had concerns with the Town spending money when the project was not going anywhere. Supervisor Balland stated that the sewer is needed for the community center and businesses along Maple Street. Mr. Wakefield reiterated that he felt the Town should look at other engineering firms.

REPORTS.

Supervisor Balland provided the following reports:

Library – meeting on a regular basis, next meeting February 26, 2004 at 4:30 p.m.

Community Center Advisory – meeting weekly.

Small Cities Grant committee – will be meeting to look at Town Center area.

Water District #2 Extension – second letters being mailed in near future.

Zoning Committee – looking at farm markets and other zoning areas.

Assessment – March 10, 2004 David Briggs will provide update on annual reassessment.

65/25 Program – asked if the Town Board would like to hear these options?

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 25, 2004

Building Maintenance – need a subcommittee to review building maintenance.
SYNTHES – meeting with Tim Von Neida to discuss traffic and the impact.
Workers Compensation Law – meeting on March 15, 2004 to discuss changes.
Computers – considering surplus extra equipment after Marc examines the equipment and licensing concerns and Y2000.
Landscape – Cornell graduate agreed to complete landscaping for center.
Community Center – drywall up and heat to be completed next week.

NEW BUSINESS

RESOLUTION NO. 92-04
CHANGE ORDER TO SUPPLY AND INSTALL THREE DOUBLE CHECK VALVE
ASSEMBLIES APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS it is recommended by Suresh Shah and Teitsch-Kent-Fay Architects to approve the change order to supply and install three (3) double check valve assemblies in the Community Center and Department of Public Works (DPW) buildings, and

WHEREAS a change order for said change has been submitted by Postler & Jaeckle Corp., and

WHEREAS the change order for labor and material for said change is not to exceed \$4,613.70, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to sign the change order with Postler & Jaeckle Corp. in the amount not to exceed \$4,613.70, to supply and install three (3) double check valve assemblies in the Community Center and DPW buildings.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 25, 2004

RESOLUTION NO. 93-04
CHANGE ORDER TO SUPPLY AND INSTALL MATERIALS TO CONNECT DATA, TV,
AND TELEPHONE SERVICES APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS it is recommended by Suresh Shah and Teitsch-Kent-Fay Architects to approve the change order to supply and install materials to connect data, TV, and telephone services between the Town Hall, Community Center and two DPW buildings, and

WHEREAS a change order for said changes has been submitted by GVE, Inc., and

WHEREAS the change order for labor and material for said change is not to exceed \$30,403.14, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to sign the change order with GVE, Inc. in the amount not to exceed \$30,403.14, to supply and install materials to connect data, TV, and telephone services between the Town Hall, Community Center and two DPW buildings.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 94-04
ADDITIONAL LEGAL REPRESENTATION APPROVED

Resolution by: Balland
Seconded by: Kaner

WHEREAS on or about February 13, 2004, Robert F. Izzo commenced additional action against the Town of Big Flats, and

WHEREAS the Town Board has entered into and agreement with Phillip Spellane of Harris Beach LLP for the purposes of representing the Town, and

WHEREAS the Town Board has determined that it is necessary to extend the services of Attorney Spellane, and

WHEREAS, this is a Type II administrative action under SEQRA and thus no further environmental review is necessary herein, now

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 25, 2004

RESOLUTION NO. 94-04, ADDITIONAL LEGAL REPRESENTATION APPROVED
continued

BE IT THEREFORE RESOLVED that the Town Board amends the agreement with Phillip G. Spellane, Harris Beach LLP, for purposes of representing the Town in the Article 78 proceedings scheduled for March 12, 2004.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 95-04
MUNICIPAL HOME RULE REGARDING SPECIAL LEGISLATION CONCERNING
PUBLIC OFFICERS LAW SECTION 3 AND TOWN LAW SECTION 23 APPROVED

Resolution by: Frisbie
Seconded by: Kaner

WHEREAS the Town recognizes the residency requirements set forth in Town Law Section 23 and Public Officers' Law Section 3 require that a person appointed by the Town to certain public offices within the Town must be residents of the Town; and

WHEREAS the Town hereby determines that such residency requirements are antiquated and significantly restrict the ability of the Town to select the best qualified candidates to fill such positions because of the limited geographical area in which such candidates are sought, or to which such candidates are forced to relocate; and

WHEREAS the Town has recognized and attempted to alleviate these concerns by the adoption of Town Code Chapter 2.40; and

WHEREAS, the Town hereby seeks to ensure that such residency requirements are fully addressed and no longer applicable in the Town; and

WHEREAS administration is a Type II Action in accordance with SEQRA, 6NYCRR 617.5 (20) and thus no further environmental review is necessary herein

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the submission of a municipal home rule request to Senator Randy Kuhl and Assemblyman George Winner, thereby requesting that the residency requirements of Public Officers Law Section 3 and Town Law Section 23 be amended to allow the following public offices to be filled by individuals residing in the County of Chemung and its adjacent Counties:

Assessor, Town Attorney, Director of Building Inspection/Code Enforcement Office,
Commissioner of Public Works, Building Inspector/Code Enforcement Officer Assistant, Water
Systems Supervisor, Deputy Town Clerk

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 25, 2004

RESOLUTION NO. 95-04, MUNICIPAL HOME RULE REGARDING SPECIAL
LEGISLATION CONCERNING PUBLIC OFFICERS LAW SECTION 3 AND TOWN LAW
SECTION 23 APPROVED continued

NOW, BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to execute any and all necessary documentation to effectuate the same, subject to the review and approval of the Attorney for the Town.

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: Frisbie ABSENT: Fairbrother

RESOLUTION NO. 96-04
BUDGET AMENDMENT APPROVED

Resolution by: Balland
Seconded by: Gardner

RESOLVE the Town Board authorizes the following 2004 budget amendment:

From: Serial Bond Principal	A9910.0600	\$95,875.00
To: Transfers to other funds	A9901.0900	\$95,875

and

From: Debt Reserve	A0884	\$107,823.86
To: Transfer to other funds	A9901.0900	\$107,823.86

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 97-04
DEBT RESERVE FUND APPROVED

Resolution by: Balland
Seconded by: Kaner

RESOLVE the Town Board authorizes the following Debt Reserve Fund:

NET EFFECT

Increase Interfund Transfer	A9901.0900	\$203,698.86
Decrease Reserve for Debt	A0884	\$107,823.86

and

BUDGET CREATION FOR DEBT SERVICE FUND

Estimated Revenues	V0510	\$203,698.86
Increase Interfund Transfer	V5050	\$203,698.86

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 25, 2004

RESOLUTION NO. 98-04
ABSTRACT OF AUDITED VOUCHERS FOR FEBRUARY 2004 APPROVED

Resolution by: Kaner
Seconded by: Frisbie

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for February 2004, vouchers 1051 – 1173, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 62,633.62
HIGHWAY FUND	\$ 41,306.90
CAPITAL PROJECT #6	\$336,676.51
WATER DISTRICT #1	\$ 4,851.25
WATER DISTRICT #2	\$ 4,519.90
WATER DISTRICT #3	\$ 8,024.92
WATER DISTRICT #4	\$ 8,511.34
LIGHTING DISTRICT	\$ 645.72
TRUST & AGENCY	\$ 1,237.25

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 99-100
SPECIAL MEETING APPROVED

Resolution by: Balland
Seconded by: Gardner

RESOLVE the Town Board sets a Special Meeting for March 10, 2004 to begin at 3:30 p.m. for the purposes of Mike Krusen, Deputy County Executive, to briefly explain the proposal of the 65/35 Program.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

Supervisor Balland made a motion, seconded by Councilperson Kaner, to enter into Executive Session following the Town Board meeting to discuss property acquisition. All in favor, except Councilperson Fairbrother was absent. Motion carried.

CORRESPONDENCE

New Surcharge/CTS. A letter was received from Coyne Textile Services informing the Town Board that due to the new legislation designed to refinance and reform New York State's Superfund and Brownfield programs, a new surcharge will be added to their invoices.

Big Flats Residents Missed an Opportunity/Opinion. A copy of a notice written by Mr. James Norris was received regarding the residents of the hamlet having a missed opportunity with the proposed sewer district extension.

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 25, 2004

Synthes – Traffic Impact Analysis/Fagan Engineers. Copies of letters from Fagan Engineers, dated December 21, 2003, revised February 15, 2004 and another letter dated February 17, 2004, was received, regarding SYNTHES USA site plan, specifically the traffic impact analysis and review response. A letter was also received from Creighton Manning Engineering, LLP, dated February 11, 2004, providing their review of the traffic impact analysis for SYNTHES.

Small Cities Grant/NYS Governor. A letter was received from Honorable George Pataki, New York State Governor, dated February 11, 2004, informing the Town Board that the Town had received the New York State Small Cities Community Development Technical Assistance grant in the amount of \$18,480.00.

Statewide Wireless Network/NYS Office for Technology. A letter was received from the Office for Technology, dated February 12, 2004, regarding the Statewide Wireless Network – Commencement of Review under SEQRA and Notice of Intention to act as Lead Agency.

Big Flats-Horseheads FPD No. 1 Classification/ISO. A copy of a letter written to the Town of Horseheads, Town Supervisor, dated February 12, 2004, from the Insurance Services Office, Inc. was received providing the result of the Public Protection Classification survey. The classification has improved to a Class 5/8B and they will notify the subscribing insurers of the change and assign an effective date of June 1, 2004.

Residents and concerned citizens expressed concerns with the road conditions that exist on Upson Road. It was discussed, at great lengths that the road had been oil and stoned; however, since the gas company has been using this road, the road has deteriorated. During conversations with the gas company, they had expressed they were responsible for the maintenance of Upson Road and it was reported that they had been seen completing work on this road. Supervisor Balland stated she would speak with the Department of Public Works and that the Attorney for the Town would review the authorization for the gas company and their responsibilities.

EXECUTIVE SESSION. The Town Board entered into Executive Session at 7:50 p.m.

Supervisor Balland reconvened the meeting at 8:23 p.m. Since there was no further business to come before the Board, Councilperson Kaner made a motion, seconded by Councilperson Frisbie, to adjourn the meeting at 8:23 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF MARCH 10, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Leonard Kaner
 Attorney Thomas Reed II
 Clerk Teresa Dean

ABSENT: Council Duane Gardner
 Dean Frisbie

Supervisor Balland called the meeting to order at 3:35 p.m. and explained that the meeting was changed so that the Town Board members who have not heard the 65 / 35 Program presentation involving Chemung County could take part in that presentation.

PRESENTATION: 65 / 35 Program, Mike Krusen – Chemung County Deputy Executive

Mike Krusen, Deputy County Executive, stated that this program is designed to use preventive service monies. The 65 / 35 Program is a legislative decision and there is no timeframe for this money. There have been discussions between Mr. Krusen and the County Youth Bureau that this program may benefit the Town of Big Flats with their youth program, Community Center, and branch library. In addition to the 35% the Town would contribute to the library, along with the regular contributions and any additional expenses. Mr. Krusen presented the following example: if the summer T.A.F.F.Y. program costs \$100,000, the County will pay the Town \$100,000 to run this program and the County will submit a voucher to New York State to receive the 65% refund (\$65,000); however, the Town of Big Flats would be required to contribute 35% (\$35,000) toward the branch library. Therefore, the cost to the Town of Big Flats to run the T.A.F.F.Y. program would be no cost and \$35,000 would be contributed to the library.

The following concerns were raised:

1. Funding branch library with no control over expenditures or any changes. Mr. Krusen stated that an agreement could be provided so that there would be a partnership and possibly a member of the Town Board on the library board.
2. If the library was not being considered, what other services can be offered in this program? Mr. Krusen stated other options could be evaluated.
3. Could this program be used in 2004? Mr. Krusen answered that it would take effect when the Town Board made that decision.
4. Are there administrative fees associated with this program? Mr. Krusen stated only if there were some benefits to the County; however, it would not diminish what the Town would receive.
5. What if the funding is discontinued? Mr. Krusen stated that there would be a Letter of Understanding and if the program were discontinued the funding would remain as it exist today.

NOTE: Councilpersons Gardner and Frisbie arrived.

Supervisor Balland entered into a brief recess at 4:17 p.m. Supervisor Balland reconvened the Town Board meeting at 4:30 p.m.

MINUTES OF TOWN BOARD MEETING OF MARCH 10, 2004

PRESENTATION: Assessment Update, David Briggs and Bill Torp

Bill Torp – Town Assessor briefly provide an update to the Order to Show Cause involving the former World Kitchen building. He also reported that the residential reassessment mailing would be mailed to the property owners prior to the end of the month.

David Briggs of Briggs Appraisal provided a brief reassessment history of the Town of Big Flats and further explained that with the equalization rate dropping the Town had two options – (1) continue to let the equalization rate drop or (2) get the assessments back up to where they should be. Mr. Briggs stated that with the annual reassessment program the Town would be analyzing neighborhoods or other areas to determine whether or not they are consistent with market value. After completing an analysis for 2004, it was determined that there was a 10% decrease in assessment compared to market value. However, this does not mean that everyone will have a 10% increase in their taxes. The mailing will have an example of what the current assessment is and how the proposed taxes would be based on the new proposed assessment figure.

Mr. Briggs explained that due to the Town not having a 100% equalization rate the STAR benefits are worth less and we have a higher tax rate. The difference between traditional and annual reassessment was discussed. Hearings will be held to discuss concerns with the property owners and if at that point they are still not satisfied with their assessment, they have the opportunity to a formal grievance procedure with the Assessment Board of Review. With the annual reassessment process it is a 6-year commitment, which the Town is required to evaluate one-sixth of the parcels on an annual basis. Reviewing the building permits issued, the sales, and completing an analysis will provide the adequate information required by the annual reassessment program.

REPORTS

The following reports for February 2004 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Supervisor's Fund Balance Report; Justice Court Monthly Report; Assessor's Monthly Report; Building Department/Code Enforcement's Monthly Report; Youth Commission Minutes; Park Commission Minutes; SPCA and Dog Licensing Monthly Report; and Department of Public Works Monthly Report.

Library Task Force – met with Town of Elmira Supervisor to discuss fund raising projects and they have also circulated fliers to determine if volunteers are available.

Community Center – recommending that the task force become a Board of Directors.

Personnel Committee – holding meetings and continue to review the Employee Handbook.

Website – e-mail link is working.

MINUTES OF TOWN BOARD MEETING OF MARCH 10, 2004

CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, stated that Community Days, Inc. is planning to hold Community Days June 17-19, 2004; however, no officers have been appointed. They will also be requesting permission to place the portable sign advertising the event earlier than in previous years. A concern is that no baseball games and/or practices take place on the Senior field during the week of Community Days.

Supervisor Balland stated that she had a meeting with Lisa Cardamone who requested the Water Board consider permitting two meters on one water line by either allowing variances or consider changing the law. This item will be placed on the next Water Board agenda.

NEW BUSINESS

RESOLUTION NO. 100-04

TIMBER HARVESTING ON THE SMITHOME FARMS L.P. PROPERTY APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS a Timber Harvesting Application has been received from Smithome Farms L.P. to harvest approximately 95,000 board feet of timber from approximately 60 acres of land, Tax Parcel #87.00-1-5.1, and

WHEREAS the Town Board find this action to be an Unlisted Action under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will consist of a select cut of timber.
2. The timber harvesting will occur between March 15, 2004 and September 20, 2004.
3. Disturbed areas including skid trails, haul roads, and the landing area will be smoothed on completion of the logging operation and seeded with rye grass, as needed.
4. Diversion ditches and water bars as required will be installed to prevent erosion.

BE IT THEREFORE RESOLVED the application for a Timber Harvesting Permit submitted by Frank W. Rhodes be approved as follows:

1. The logging operation, as proposed, will involve trucks using Harris Hill Road South, State Route 352 East to Route 17. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield.
2. The transport of logs may only occur between the hours of 8:00 a.m. to 9:00 p.m. daily with the exception that on days that public schools are in session the transport of logs is not to occur earlier than 8:30 a.m. or between the hours of 1:30 and 4:30 p.m.
3. Harris Hill Road shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and will be cleaned when required by the Code Enforcement Officer as a result of inspections he may perform.

MINUTES OF TOWN BOARD MEETING OF MARCH 10, 2004

RESOLUTION NO. 100-04, TIMBER HARVESTING ON THE SMITHOME FARMS L.P.
PROPERTY APPROVED continued

4. A performance bond or certified check in the amount of \$1,800.00 must be posted with the Town Clerk prior to beginning the timber harvesting operation. The bond or check will be returned upon the satisfactory completion of all logging operations, compliance with the condition of this resolution, and a final inspection of the timber harvesting site by the logger involved, Foresters, the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.
5. The logger shall obtain and file proof of Vehicle, General Liability Insurance, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and property damage of \$250,000 for logging operations with the Code Enforcement Officer at least two business days prior to commencing any work. Said proof of insurance must name the Town of Big Flats as additional insured and be approved by the Town Attorney prior to the commencement of work.
6. As work progresses, the logger shall install diversion ditches and/or water bars as necessary to prevent soil erosion on haul roads, skid trails, and at the landing area.
7. Upon completion of the logging operation, all skid trails, roads and landing areas shall be graded and seeded with rye grass as needed.
8. Upon completion of the harvesting activity, reclamation of the site shall be performed by the logger. Haul roads shall have water bars placed at the following intervals:

ROAD GRADE	SPACING IN FEET
2-5%	300-500 FT.
6-10%	200-300 FT.
11-15%	100-200 FT.
16 & GREATER	100 FT.

9. The logger shall notify the Code Enforcement Office within five days of completion to coordinate on-site inspections.
10. The logging site shall be subject to periodic inspections by the Code Enforcement Officer and Chemung County Soil and Water Conservation Service representatives at any time during the course of the operation. These inspections will be done during the normal working hours of the logger.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 10, 2004

RESOLUTION NO. 101-04
WILLIAMSON LAW BOOK COMPANY ANNUAL SOFTWARE MAINTENANCE
CONTRACT APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS the Town Clerk and Tax Collector currently have the Williamson Law Book Company software, and

WHEREAS said Annual Software Support contract agreement has expired on January 1, 2004, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Annual Software Support contact with Williamson Law Book Company at a cost not-to-exceed \$450.00 commencing January 1, 2004 through December 31, 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 102-04
STEELE MEMORIAL LIBRARY CONTRACT APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS in accordance with Section 256 of the Education Law of the State of New York the Town of Big Flats is authorized to contract for services with the Steele Memorial Library System of Chemung County, and

WHEREAS the Town Board and the County of Chemung have determined that upon the execution of said contract that certain services will be provided by the Big Flats Branch Library, and

WHEREAS for environmental purposes this a Type II Action for purposes of SEQRA in accordance with 6NYCRR, Part 617.5 (c)(20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Contract with Steele Memorial Library commencing January 1, 2004 and continuing until December 31, 2004 at a total contract price of \$28,279.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 10, 2004

RESOLUTION NO. 103-04
CHANGE ORDER WITH WELLIVER MCGUIRE INC. APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS a change order has been submitted by Welliver McGuire, Inc., and

WHEREAS it is recommended by Suresh Shah and Teitsch-Kent-Fay Architects to approve the change order to remove clay from the Community Center entrance and refill with suitable base material to prepare for paving, and

WHEREAS the change order for labor and material for said change is not to exceed \$4,849.95, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to sign the change order with Welliver McGuire, Inc. in the amount not to exceed \$4,849.95, to remove clay from the Community Center entrance and refill with suitable base material to prepare for paving.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 104-04

ATTORNEY FOR THE TOWN TO DEFEND THE TOWN FOR THE ORDER TO SHOW
CAUSE BY BATH NATIONAL BANK AND YUNIS-WELLIVER DEVELOPMENT GROUP
APPROVED

Resolution by: Frisbie
Seconded by: Gardner

WHEREAS the Town of Big Flats, County of Chemung, Horseheads Central School District and Chemung County Industrial Development Agency have received an Order to Show Cause and Article 78 – Petition from Bath National Bank, Yunis-Welliver Development Group, and

WHEREAS representation of said petitions is outside the general employment parameters for the Attorney for the Town, and

WHEREAS the administration and management of Town personnel is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF MARCH 10, 2004

RESOLUTION NO. 104-04, ATTORNEY FOR THE TOWN TO DEFEND THE TOWN
continued

BE IT THEREFORE RESOLVED that the Town Board appoints Thomas Reed II, Attorney for the Town, to represent the Town of Big Flats in defense for the Order to Show Cause and Article 78 – Petition at the rate of \$90.00 per hour, which is outside the general employment parameters.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 105-04
PLANNING BOARD MEMBER RESIGNATION APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Planning Board Chairman received a letter from Milton Simpson stating that he has chosen to resign from his position on the Planning Board, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Milton Simpson as a member of the Big Flats Planning Board effective immediately.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 10, 2004

RESOLUTION NO. 106-04

PUBLIC HEARING FOR THE PROPOSED TOWN OF BIG FLATS ZONING AMENDMENT
SET FOR APRIL 14, 2004 AT 4:35 P.M.

Resolution by: Kaner

Seconded by: Fairbrother

WHEREAS the Town Board requested the Planning Board review and comment on a proposed amendment for the Senior Housing Planned Multiple Residential District (SHPMRD), Title 17 of the Town Municipal Code, and

WHEREAS the Planning Board has reviewed said proposal and adopted Resolution No. P7-2004 making a referral and recommending the Town Board enact the revisions to Title 17, Section 17.020.080(A)(5)(d) to read as follows: *“Exception: Awning, canopies, single story decks and single story covered porches may project a maximum of six (6) feet into a required yard setback. Such awning, canopies, single story decks and single story covered porches shall not exceed 140 square feet of structure area within the required yard”*, now

BE IT THEREFORE RESOLVED the Town Board determined this to be an Unlisted Action for purposes of SEQRA, and

FURTHER RESOLVED the Town Board is hereby declared to be Lead Agency completing an uncoordinated review with Involved Agency being Chemung County Planning Board, and

FURTHER RESOLVED that the Town Board finds that there will be no significant adverse environmental impacts based on the review of the Short EAF Part 2 dated March 10, 2004, and

FURTHER RESOLVED that the Town Board sets a public hearing on April 14, 2004 at 4:35 p.m. to adopt Local Law No. 1 of 2004 titled “A Local Law Amending Title 17 – Zoning, Chapter 17.20 – Planned Multiple Residential District Section 17.20.080 – Special Requirements Governing SHPMRD of the Town Municipal Code”, and

FURTHER RESOLVED the Town Board authorizes the Town Clerk to advertise said notice in the Town official newspaper and forward said Local Law to the Chemung County Planning Board for their review and comments as provided under applicable provisions of law.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 10, 2004

CORRESPONDENCE

Sub-committee/Chemung County Shared Services Task Force. A letter was received from Ben Riggs, Chemung County Shared Services Task Force Chairman, dated February 20, 2004, informing the Town Board that Highway Sub-committee has been established.

Regional Leadership Conference Notice/STC. A notice, along with a registration form, was received from the Southern Tier Central Regional Planning & Development Board for the 8th Annual STC Regional Leadership Conference to be held at Corning Community College on April 8, 2004.

Residential Assessment Ratio/ NYS ORPS. A notice was received from New York State Office of Real Property Services, dated February 11, 2004, providing the Town Supervisor with the Residential Assessment Ratio for July 1, 2002 through June 30, 2003 as 88.77.

Bath National Bank, Yunis-Welliver Development Group Order to Show Cause. An Order to Show Cause was received from Bath National Bank, Yunis-Welliver Development Group, filed February 27, 2004, regarding the former World Kitchen facility being assessed at full value rather than as agreed upon in the Payment in Lieu of Tax Agreement with the Chemung County Industrial Development Agency.

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Fairbrother to enter into Executive Session at 5:12 p.m. for the purpose of discussing pending litigation. All in favor, motion carried.

Supervisor Balland reconvened the Town Board meeting at 5:28p.m. Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the meeting at 5:28 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF MARCH 24, 2004

PRESENT:	Supervisor	Mary Ann Balland
	Council	Duane Gardner
		Dean Frisbie
		Leonard Kaner
		Edward Fairbrother
	Attorney	Thomas Reed
	Clerk	Teresa Dean

Supervisor Balland called the Town Board meeting to order at 7:00 p.m.

MINUTES

Councilperson Kaner made a motion, seconded by Councilperson Frisbie to approve the minutes of February 25, 2004 as presented. All in favor, except Councilperson Fairbrother abstained. Motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner to approve the minutes of March 10, 2004 as presented. All in favor, motion carried.

CONCERNS OF THE PEOPLE

Supervisor Balland reported that discussions have been held with Fortuna regarding the condition of Upson Road and it appears that Fortuna will be repairing the road. She also stated that the water district extension proposal continues; however, at this time the Water Department is waiting for the replies from the residents.

Mike Nicolo, 458 Sing Sing Road, asked why the Town Board chose to ask Senator Kuhl and Assemblyman Winner for the State Law to be modified for the Town to hire outside the Town. Attorney Reed stated that the Town could hire outside the Town.

Rob Izzo, 29 Federal Heights Drive, stated that in 1999 issues were raised when Mr. Mosher was hired regarding public officer status and felt that the Town was requesting special litigation because it was the law. He stated that a challenge would be made that there are people hired at the Town that are not public officers. Mr. Izzo also questioned if everyone who was interviewed for the Code Enforcement position was on the civil service list? Supervisor Balland stated that, to her knowledge, yes.

NEW BUSINESS

MINUTES OF TOWN BOARD MEETING OF MARCH 24, 2004

RESOLUTION NO. 107-04
SMALL CITIES PROGRAM COMMUNITY DEVELOPMENT BLOCK GRANT
AGREEMENT APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Town Board, on behalf of the Town, submitted a Small Cities Program Community Development Block Grant application, and

WHEREAS the Town Board was informed that said grant application was approved and the Town is eligible to receive an award in the maximum amount of \$18,480.00, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the New York State Small Cities Program Community Development Block Grant Agreement, Project No. 104TA214-03.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 108-04
SOUTHERN TIER CENTRAL REGIONAL LEADERSHIP CONFERENCE ATTENDANCE
APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS the Town Board has determined that the STC Regional Leadership Conference sponsored by the Southern Tier Central Regional Planning & Development Board is a beneficial conference for Town employees, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board authorizes the payment in the amount of \$300.00 for the purpose of the following staff to attend the 8th Annual Southern Tier Central Regional Leadership Conference on April 8, 2004 at Corning Community College:

Mary Ann Balland, Thomas Reed II, Kim Seymour, Merlyn Tiwari, Helen Schwartz,
Charles Wood, Debra Knoll, Donald Gaylord, Jay Boudreau, Angela Piersimoni, Nancy
Van Maarseveen, Pamela Kowulich, Carl Masler, William Haner, and Dick Bauer.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 24, 2004

RESOLUTION NO. 109-04
COMMUNITY DAY, INC. AGREEMENT APPROVED

Resolution by: Gardner
Seconded by: Kaner

WHEREAS Big Flats Community Day, Inc. is a not-for-profit corporation that organizes, operates and runs an annual Community Days Festival which is held at the Big Flats Community Park, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the agreement with Big Flats Community Day, Inc. for the purpose of holding the Big Flats Community Days festival at Community Park on June 17 - 19, 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 110-04
FEES WAIVED FOR PARK AND PAVILION USE FOR COMMUNITY DAYS EVENT
APPROVED

Resolution by: Frisbie
Seconded by: Gardner

WHEREAS Big Flats Community Day, Inc. is a not-for-profit corporation that organizes, operates and runs an annual Community Days Festival which is held at the Big Flats Community Park, and

WHEREAS the festival requires the use of the Community Park and pavilions for a period running from June 13 through 20, 2004, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board waives the fee for use of Big Flats Community Park for the purpose of holding the Big Flats Community Days festival.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 24, 2004

RESOLUTION NO. 111-04
FREEDOM OF INFORMATION APPEAL APPROVED

Resolution by: Fairbrother
Seconded by: Gardner

WHEREAS, on or about February 2, 2004 Robert F. Izzo filed a Freedom of Information request with the Town seeking the cell phone records of Larry Wagner; and

WHEREAS, on or about February 27, 2004, the Records Access Officer provided such records to Mr. Izzo, but redacted certain information contained in said records on the grounds that such information could endanger the life or safety of any person, Public Officer' Law Section 87-2 (f), and/or if disclosed would represent an unwarranted invasion of privacy pursuant to Public Officer's Law Section 87-2 (b); and

WHEREAS, on or about March 10, 2004, Robert Izzo did appeal the redaction of such information as per the applicable provisions of the Public Officer's Law to this Town Board; and

WHEREAS, this is a Type II administrative action under SEQRA and thus no further environmental review is necessary herein; now

BE IT THEREFORE RESOLVED that the Town Board hereby directs that such redacted information be provided to Mr. Izzo to the extent such information concerning Mr. Wagner's cellular phone line information remains redacted as per the advice of the Attorney for the Town and upon review of the opinions of the Committee on Open Government dated June 3, 2003 and October 29, 2003; and

FURTHER RESOLVED that the Attorney for the Town is hereby authorized to forward this determination to Robert F. Izzo and the New York State Committee on Open Government as provided by law.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 24, 2004

RESOLUTION NO. 112-04
BACKHOE PURCHASE FROM S.C. HANSEN INC. UNDER STATE CONTRACT
APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS the Commissioner of Public Works in concurrence with the Highway Department Supervisor recognizes the need to purchase a new backhoe, and

WHEREAS the purchase of a new backhoe was planned and budgeted by the Town Board for the year 2004, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR and as such, no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a Case 580M backhoe as outlined on State Bid Contract #PC60184 Item #24 for the sum not to exceed \$49,141.95.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 113-04
SPECIAL TOWN BOARD MEETING FOR MARCH 30, 2004 AT 4:00 P.M. APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has determined that a meeting is necessary to discuss the proposed sewer district extension along Maple Street, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR and as such, no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board sets a special meeting for March 30, 2004 at 4:00 p.m.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 24, 2004

RESOLUTION NO. 114-04
AUTHORIZATION TO SHRED EXCESS STOCK OF CHECKS AND VOID CHECKS
APPROVED

Resolution by: Balland
Seconded by: Kaner

WHEREAS the Town Board authorized the purchase of a new software program for the Bookkeeper which required the Town to purchase new checks compatible with the new software program, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR and as such, no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to shred payroll check numbers 15767 through 16100 and 16101 through 16600, and

FURTHER RESOLVED authorizes, due to the expired cashing requirements, the Bookkeeper to void check number 000228, dated August 28, 2003 in the amount of \$161.00 paid to Chuck Coons.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 115-04
ABSTRACT OF AUDITED VOUCHERS FOR MARCH 2004 APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for March 2004, vouchers 1174 – 1326, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$153,656.70
HIGHWAY FUND	\$ 29,252.51
CAPITAL PROJECT #6	\$312,623.60
WATER DISTRICT #1	\$ 5,001.74
WATER DISTRICT #2	\$ 2,925.77
WATER DISTRICT #3	\$ 1,071.25
WATER DISTRICT #4	\$ 169.68
LIGHTING DISTRICT	\$ 645.72
TRUST & AGENCY	\$ 1,237.25

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 24, 2004

Supervisor Balland explained that the Town of Big Flats had hosted a Workers Compensation workshop explaining the new changes that effect municipalities and also stated that the Town Clerk had requested Southern Tire Central Regional Planning & Development Board to host the same workshop.

Supervisor Balland also requested that the Town Board provide her with a response to whether or not they are interested in participating in the 65/35 Program presented by the County.

CORRESPONDENCE

JAWS Program/Family Court of the State of New York. A letter was received from Honorable David Brockway, Family Court Judge, dated March 8, 2004, thanking the Town for participating in the JAWS program.

Kliegel Machine Company – Variance Request/CC IDA. A letter was received from George Miner of Chemung County Industrial Development Agency, dated March 15, 2004, expressing support for the Town of Big Flats to permit heavy equipment sales and repair at 104 Hibbard Road on property owned by Kliegel Machine Company.

Fitch Bridge, State Route 225/NYS DOT. A notice was received from New York State Department of Transportation, dated March 11, 2004, informing the Town Board that they will be replacing one bridge deck (Fitch Bridge) on State Rout 225 over Chemung River in the Town of Big Flats.

Empire Zone Tax Credit/NYS Comptroller. A copy of a news release, dated March 9, 2004, was received from the Office of State Comptroller – Alan Hevesi, regarding the audit of Empire Zone tax credits.

Commissioner Resignation/BF Fire District #1. A copy of a letter written to Mark Sozanski, Chairman of the Big Flats Fire District #1 was received, dated March 10, 2004, informing Mr. Sozanski that Heman Fowler and Clifton Case resign from their positions as Commissioners.

Seminar Notice/NYS Dept. of Public Service. A letter was received from New York State Department of Public Service, dated March 16, 2004, informing the Town Board of a regional seminar held on April 27, 2004 concerning cable television regulation and industry today.

Correction of Real Property Taxes/CC Legislature. A notice was received from Chemung County Real Property Tax Service Agency, dated February 4, 2004, informing the Town Board that there had been a correction to the Town of Big Flats Tax Roll for Tax parcel 48.03-3-1, owned by Thomas Johnson, in the amount of \$70.86.

Appreciation/Chemung Valley Soccer Association. A letter was received from Julie Carlson of Chemung Valley Soccer Association, dated March 18, 2004, thanking the Town for how well the soccer fields are kept.

MINUTES OF TOWN BOARD MEETING OF MARCH 24, 2004

Councilperson Fairbrother made a motion, seconded by Supervisor Balland, to enter into Executive Session for the purposes of discussing a particular personnel matter. All in favor, motion carried.

Since there was no further business to come before the Town Board, this portion of the meeting was adjourned by Councilperson Fairbrother and seconded by Councilperson Kaner at 7:25 p.m. All in favor, motion carried.

WATER BOARD

Supervisor Balland called the Water Board meeting to order.

OLD BUSINESS

Water District Rules & Regulations Amendment Request. Supervisor Balland stated that a resident, who has built a duplex, requested a variance or for the Board to consider amending the Rules and Regulations to permit two meters; therefore, she requested that the Town Board provide her with a response by Friday to whether or not they are interested in amending the rules and regulations.

CORRESPONDENCE

Compliance Review, WD #3 and #4/USDA. A letter was received from U.S. Department of Agriculture, dated March 4, 2004, information that Town Board that Water Districts #3 and #4 are in compliance with the civil rights laws.

Since there was no further business to come before the Water Board, Councilperson Fairbrother made a motion, seconded by Supervisor Balland to adjourn the Water Board meeting at 7:27 p.m. All in favor, motion carried.

Supervisor Balland reconvened the Town Board meeting.

At the recommendation of the Town Board, Supervisor Balland asked for a verbal vote on the water district rules and regulations amendment. All were in favor not to entertain an amendment. Supervisor Balland asked for a verbal vote on the 65/35 program proposal. All in favor of not participating, except Councilperson Kaner abstain. Supervisor Balland briefly discussed the closing of Kahler Road South.

The Town Board entered into Executive Session at 7:38 p.m.

Supervisor Balland reconvened the meeting at 8:17 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to adjourn the meeting at 8:17 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF MARCH 30, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Dean Frisbie
 Leonard Kaner
 Edward Fairbrother
 Clerk Teresa Dean

ABSENT: Attorney Thomas Reed

Supervisor Balland called the Special Town Board meeting to order at 4:00 p.m. and explained that Dennis Fagan of Fagan Engineers is here to explain and answer questions regarding the proposed sewer district extension on Maple Street.

Dennis Fagan explained that the proposal is to extend the sewer line serving commercial / institutional properties along Maple Street. Mr. Fagan briefly discussed gravity sewer, flow, pump station, forced main and that the connection would be made by going down the old railroad bed, bore under Cuthrie Run and connect the to existing valve vault at the Corning, Incorporated property. The description, quantity and cost associated with this proposed project were discussed. The Town will be permitted to use the ARC Grant in the amount of \$150,000.00 and there is the potential that this project would qualify for a 2% interest rate loan from NYS Environmental Facilities Commission. Mr. Fagan provided a handout of the proposed district showing the new debt ad-valorem tax rate and the Extension Z debt share.

Following the outline of the proposed extension, Supervisor Balland asked if there were any questions.

Robert Izzo, 29 Federal Heights Drive, stated that since this affects the taxpayers, is this project subject to a permissive referendum? Supervisor Balland requested Mr. Izzo contact the Town Hall next week.

Pastor Lytle, Maple Street, asked if there would be extra cost for individuals who cannot connect directly? Mr. Fagan explained that the gravity sewer line ends prior to his property; therefore, if he chose to connect a line would have to be run. Chuck Coons – Director of Building Inspection/Code Enforcement, stated that the cost could be born to the property owners.

Councilperson Gardner asked if the house owned by the Fire Department was included in the district connection. Mr. Fagan stated it was.

Mr. Izzo asked if the extension included the school, fire department and municipal complex. Supervisor Balland stated that it did.

Since there were no more questions to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the Special Meeting at 4:27 p.m.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD WORKSHOP OF APRIL 14, 2004

PRESENT:	Supervisor	Mary Ann Balland
	Council	Duane Gardner
		Dean Frisbie
		Leonard Kaner
		Edward Fairbrother
	Attorney	Thomas Reed
	Clerk	Teresa Dean

Supervisor Balland called the Town Board workshop to order at 4:30 p.m.

REPORTS

The following reports for March 2004 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Supervisor's Fund Balance Report for February and March; Justice Court Monthly Report; Building Department/Code Enforcement's Monthly Report; Youth Commission Minutes; SPCA and Dog Licensing Monthly Report; and Department of Public Works Monthly Report.

Supervisor Balland reported that the sales tax figures have been down. She also reported that Larry Wagner would be at the May 14th meeting to discuss the district well status and potential new well sites.

Councilperson Fairbrother requested the Town Supervisor meet with representatives of the Youth Commission to discuss that the Community Center Advisory Committee must approve the open house and tour as stated in the minutes. At this point the building has not been released to the Town and is still in the possession of Welliver McGuire.

Community Center Advisory Committee – the policy is completed and the fee schedule is almost complete. In the near future recommendations will be made for appliance purchases, custodians, and lawn maintenance staff.

Supervisor Balland reported that the following meetings would be held:

May 17, 2004 at 3:00 p.m. – Alison Mandell will meet with the Town staff to discuss the new insurance policy;
April 22, 2004 at 1:00 p.m. – Meth lab training – Town of Southport;
April 19, 2004 at 5:30 p.m. – Elmira Regional Water meeting;
April 20, 2004 at 9:00 a.m. – comp-time meeting;
April 20, 2004 at 10:00 a.m. – employee contribution to health plan;

Sewer Proposal – the Town will pass the \$150,000.00 grant; however, will be able to reapply for the grant next year.

Assessment – waiting for new assessments.

MINUTES OF TOWN BOARD WORKSHOP OF APRIL 14, 2004

PUBLIC HEARING: 4:35 P.M. Local Law 1, 2004 - Zoning Law Amendment

Supervisor Balland called the public hearing to order and Attorney Reed read the legal notice duly advertised in the Elmira Star Gazette on April 2, 2004, which allowed and considered public comments on a proposed Town of Big Flats Zoning Law referencing the Planned Multiple Residential District, Section 17.20.080, Special Requirements Governing SHPMRD.

IN FAVOR: Caitlin Wade, on behalf of Mr. Cole, stated that Mr. Cole appreciates the work the Town has done and hopes that the amendment will solve problems.

Mike Nicolo, 458 Sing Sing Road, stated that from what he has heard the zoning amendment does sound good and he is in favor of the amendment.

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:41 p.m.

CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, asked if there was an estimated cost of the landscaping for the Community Center? Supervisor Balland stated that it has not been determined due to the fact that some of the materials will be donated.

Don Gaylord, Highway Supervisor, stated that there is also an evening class for the meth lab training. Councilperson Frisbie asked is there would be any travel time or over-time associated with this training. Gaylord stated that the training is done during normal working hours.

Mr. Nicolo asked if the Town Board has any figures, per thousand, of what the cost would be to the taxpayers for the proposed sewer district? Supervisor Balland stated at this time there are no figures available. An analysis is being completed on what it would be to replace the existing system in 20 years and the annual maintenance cost and once the new assessments are released, the new rates for the customers would have to be figured. Once these items are completed the Town Board would evaluate whether or not they wish to proceed with the proposed extension.

Mr. Nicolo reported concerns with the curve on Chambers Road at the end of the airport runway. He explained that there is a double curve and described a recent accident at this location. Supervisor Balland stated that they would discuss these concerns with the Chemung County Department of Public Works.

OLD BUSINESS

MINUTES OF TOWN BOARD WORKSHOP OF APRIL 14, 2004

RESOLUTION NO. 116-04

LOCAL LAW #1, 2004, TITLE 17 AMENDMENT, PLANNED MULTIPLE RESIDENTIAL DISTRICT, SECTION 17.20.080, SPECIAL REQUIREMENTS GOVERNING SHPMRD APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS the Town Board duly adopted Resolution No. 106-04 which established SEQRA determination and set a public hearing for the proposed amendment for the Senior Housing Planned Multiple Residential District of Title 17 of the Town of Big Flats Municipal Code, and

WHEREAS a Public Hearing was duly held on April 14, 2004, and

WHEREAS said proposed amendment was reviewed by the Chemung County Planning Board and a motion adopted indicating no adverse impacts, now

BE IT THEREFORE RESOLVED the Town Board adopts Local Law No. 1, 2004 titled Title 17 – Zoning, Chapter 17.20 – Planned Multiple Residential District Section 17.20.080 – Special Requirements Governing SHPMRD of the Town Municipal Code.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

NEW BUSINESS

RESOLUTION NO. 117-04

ATTENDANCE AT THE FEMA NATIONAL EMERGENCY TRAINING CENTER
AUGUST 16–19, 2004 APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS the Town of Big Flats has an active floodplain management program and participates in the Community Rating System (CRS) for the National Flood Insurance Program, and,

WHEREAS the course is designed to provide training for local officials that enforce the local floodplain ordinance, and

WHEREAS there is no charge for this training course and mileage; however, the Town will be responsible for said meals, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD WORKSHOP OF APRIL 14, 2004

RESOLUTION NO. 117-04, ATTENDANCE AT THE FEMA NATIONAL EMERGENCY TRAINING CENTER AUGUST 16–19, 2004 APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes Charles Coons, Director of Building Inspection/Code Enforcement and Eric Corey, Code Enforcement Officer, to attend the FEMA training course August 16-19, 2004 with applicable funds to be allocated from the Building Inspector budget.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 118-04
SUPPORT FOR THE ELIMINATION OF THE SUNSET PROVISION OF THE LGRMIF
AND THE CULTURAL EDUCATION FUND APPROVED

Resolution by: Frisbie
Seconded by: Fairbrother

WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and

WHEREAS, the closely related Documentary Heritage Program (DHP) for grants and technical assistance to non-governmental historical records repositories also is supported by the LGRMIF, and

WHEREAS, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and

WHEREAS, the New York State Legislature since 1995 has twice extended the sunset date, most recently to December 31, 2005, and

WHEREAS, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all NYS local governments, and

WHEREAS, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and

WHEREAS, Town of Big Flats has benefited from technical assistance, training, publications and 2 grants totaling \$21,969.00, supported by the LGRMIF, and

MINUTES OF TOWN BOARD WORKSHOP OF APRIL 14, 2004

RESOLUTION NO. 118-04, SUPPORT FOR THE ELIMINATION OF THE SUNSET PROVISION OF THE LGRMIF AND THE CULTURAL EDUCATION FUND continued

WHEREAS, the State Legislature created the closely-related Cultural Education Fund (CEF to support the New York State Archives, New York State Library and New York State Museum on behalf of all New Yorkers, and the Office for Public Broadcasting, and provided the CEF with an identical sunset date, and

WHEREAS, the LGRMIF and the CEF continue to be critically important in the fulfillment of the many records and information related responsibilities of the Town of Big Flats, and to the cultural and scientific needs of the people of New York State, now

BE IT THEREFORE RESOLVED that the Town of Big Flats supports the elimination of said sunset provisions in order to make the LGRMIF and the CEF permanent.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 119-04
SUPPORT FOR THE ADOPTION OF THE COLLATERAL SOURCE BILL APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Senate and Assembly have introduced the Collateral Source Bill (S.622/A.3483) that would eliminate the present inequity under which it is only the public employer which must pay what amounts to a double recovery in tort actions for lost future earnings and which occurs only when the public employer is sued by one of its employees, and

WHEREAS the Town of Big Flats Town Board is in support of said bill, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to send a letter of support of the Collateral Source Bill (S.622/A.3483) that would eliminate the current inequity under which a public employer, when sued by one of its employees, is now the sole defendant which is not entitled in tort actions to a reduction of future lost earnings for disability pensions, etc., that are meant to serve the same purpose as such awards.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD WORKSHOP OF APRIL 14, 2004

RESOLUTION NO. 120-04
XEROX CORPORATION MAINTENANCE RENEWAL APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS the Town of Big Flats has entered into an agreement with Xerox Corporation for the lease of two copiers, and

WHEREAS said renewal price expiration is forthcoming, and

WHEREAS the Town Board has determined to continue said services with Xerox Corporation, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board approves the renewal price for the WCP215 Print/Copy, Serial #UU4018464, at an annual cost of \$522.36 or \$43.53 per month, and

FURTHER RESOLVED that the Town Board approves the renewal price for the 432DC with 2 tray, Serial #NM9108588, at an annual cost of \$2,307.48 or \$192.29 with an allowance of 1500 copies per month with an excess meter bill at \$0.0191 per print.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 121-04
EQUIPMENT LEASE AGREEMENT WITH TWIN TIER IMAGING SYSTEMS APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Town Clerk, Deputy Town Clerk, and Town Supervisor have been in the process of evaluating and securing a new copier for the Town Hall, and

WHEREAS meetings were held with various agencies to determine the requirements and needs by Town staff for said copier, and

WHEREAS cost estimates were received by Xerox, Toshiba, and REM Southern, and

WHEREAS after a lengthy review and demonstration of said copiers, it has been determined that the Toshiba offered by Twin Tier Imaging Systems is the best option of the Town, and

MINUTES OF TOWN BOARD WORKSHOP OF APRIL 14, 2004

RESOLUTION NO. 121-04, EQUIPMENT LEASE AGREEMENT WITH TWIN TIER IMAGING SYSTEMS continued

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board approves the Equipment Lease Agreement with Twin Tier Imaging Systems for the E-Studio 650 Toshiba copier with the stapling option for a lease payment of \$322.00 for a term of 36 months with a fair market value purchase option at the end of the term.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 122-041404
TEITSCH-KENT-FAY PRELIMINARY STUDY AND PROGRAMMING FOR TOWN HALL
APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS there is a need to evaluate the Town Hall facility use, and

WHEREAS Teitsch-Kent-Fay Architects proposed to provide the preliminary study and programming, and

WHEREAS for environmental purposes, administration is a Type II Action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, and now

BE IT THEREFORE RESOLVED the Town Board authorizes Teitsch-Kent-Fay Architects to provide the preliminary study and programming required for the Town Hall facility use assessment for the total sum not to exceed \$9,500.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

CORRESPONDENCE

Summer T.A.F.F.Y. Sites. A memo was received from the Youth Commission, dated March 23, 2004, informing the Town Board that the following sites will be for 2004 Summer T.A.F.F.Y. – Community, Hillview, Maple Shade, Ponderosa, and Pine Circle. The program is scheduled to run June 30–August 6, 2004 between 9:00 a.m.–2:45 p.m.

MINUTES OF TOWN BOARD WORKSHOP OF APRIL 14, 2004

Fee Schedule/CC Health Department. The Chemung County Health Department provided the Town Board with a list of the fee schedule for environmental health services, which was effective July 1, 2003.

Systematic Analysis & Valuation Services/CC Real Property Tax Service. A letter was received from Thomas Bloodgood, Director of the Chemung County Real Property Tax Service Agency, dated March 22, 2004, stating that statistical analysis and valuation testing and production are available to municipalities.

Meeting Discussion – Motions/CC Planning Board. A copy of the discussion and motions was received from the Chemung County Planning Board for their meeting held March 18, 2004 regarding Silicon Carbide Products, Inc.; Jamison Subdivision, Tri-County Housing Council, Arnot Realty Corporation, and the Town Zoning Amendment.

Easement Request Notice/Robert Lovejoy. A letter was received from Robert and Joan Lovejoy, 43 Hazelwood Avenue, dated March 19, 2004, withdrawing their verbal permission to enter their property to maintain stream bank and remove gravel from Hendy Creek. Supervisor Balland explained that Mr. Lovejoy has expressed that he may grant permission to the Town to complete this work.

Liquor License Renewal Notice/GMRI, Inc. A notice was received from GMRI, Inc., dated March 15, 2004, informing the Town that Olive Garden plans to renew their State Liquor License.

Liquor License Renewal Notice/Tag's. A notice was received from James Rhodes, President of Monitag Inc. dba Tag's, Tavern, dated March 23, 2004, informing the Town of their intent to renew their State Liquor License.

Councilperson Fairbrother made a motion, seconded by Supervisor Balland, to adjourn the meeting at 4:58 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF APRIL 28, 2004

PRESENT:	Supervisor	Mary Ann Balland
	Council	Duane Gardner
		Dean Frisbie
		Edward Fairbrother
		Leonard Kaner
	Attorney	Thomas Reed II
	Clerk	Teresa Dean

Supervisor Balland called the Town Board meeting of April 28, 2004 to order.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to approve the minutes of March 24, 2004 as presented. All in favor, motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Fairbrother, to approve the minutes of March 30, 2004 as presented. All in favor, motion carried.

Councilperson Gardner made a motion, seconded by Councilperson Frisbie, to approve the minutes of April 14, 2004. All in favor, motion carried.

CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, thanked the Town Supervisor for writing a letter to Tim Von Neida – Commissioner of Chemung County Department of Public Works regarding concerns with Chambers Road. He also asked what the status was for the water district extension? Supervisor Balland stated that the last letters were sent to the property owners within the extension proposal and in the near future we anticipate on providing the information to the engineering firm for the Town.

Mr. Nicolo pointed out that for Community Days Inc. the gambling cannot take place within the beer tent; however, they would like to place a tent for gambling purposes contiguous to the beer tent and the security staff will ensure the rules and regulations are enforced.

Mr. Nicolo also asked what the cost of the sewer proposal would be? Supervisor Balland explained that with the new assessment being reviewed, there are no projections to the associated cost.

Robert Izzo, 29 Federal Heights Drive, stated that his neighbors on Ponderosa Drive have received letters about the water district; however, he had not received a letter. Supervisor Balland stated that the water district extension is not going down Ponderosa Drive; however, his neighbors may have received a letter regarding roadwork. Mr. Izzo stated that he has a copy of a memo written by Mr. Fagan regarding the figures for the proposed sewer district. He also stated that people are calling him regarding concerns with the drainage from the new community complex tying in with the drainage system that goes to Route 352. Mr. Izzo stated that he does not have time to look into this issue; however, with New York State Department of Environmental Conservation regulations. Supervisor Balland stated that they have met with representatives from NYS Department of Environmental Conservation and they have reviewed

MINUTES OF TOWN BOARD MEETING OF APRIL 28, 2004

the plans. Mr. Izzo stated that he would have those concerned contact the Town. Supervisor Balland agreed.

Mr. Nicolo stated that he contact Foster's and they are willing to pick up old hot water tanks; therefore, if the Town receives any inquiries about this they may want to refer them to their garage removal company.

OLD BUSINESS

RESOLUTION NO. 123-04
WILLIAM STEWART AS A MEMBER OF THE TOWN PLANNING BOARD
APPOINTMENT APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Town Board approved Resolution No. 105-04 accepting the resignation of Milton Simpson as a Planning Board member, and

WHEREAS a recommendation has been made to appoint William Stewart as a member to the Planning Board, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints William Stewart, 414 Lloyd Drive Extension as a member of the Big Flats Planning Board effective immediately with a term ending December 31, 2006.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 124-04
2004 ROAD PAVEMENT BID AWARD TO SUIT KOTE, INC. APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS the Town Board duly adopted Resolution #80-04 authorizing the bid advertisement for 2004 Road Pavement, and

WHEREAS said bid was advertised in the Elmira Star Gazette and bids were received on April 16, 2004, and

MINUTES OF TOWN BOARD MEETING OF APRIL 28, 2004

RESOLUTION NO. 124-04, 200 ROAD PAVEMENT BID AWARD continued

WHEREAS the following Type 6 and Type 3 blacktop bid per ton proposals were received:

A.L. Blades & Sons, Inc.	Type 6	\$43.33
	Type 3	\$39.43
	Tack Coat	\$00.12 per sq. yd.
Airport Striping	Type 6	\$48.50
	Type 3	\$43.50
	Tack Coat	\$01.90 per sq. yd.
J.F. & J.P. Wenzel	Type 6	\$42.92
	Type 3	\$40.92
	Tack Coat	\$02.63 per sq. yd.
Narde Paving Co., Inc.	Type 6	\$38.00
	Type 3	\$37.50
	Tack Coat	\$00.40 per sq. yd.
Suit-Kote, Inc.	Type 6	\$36.00
	Type 3	\$38.50
	Tack Coat	\$00.20 per sq. yd.

WHEREAS the Commissioner of Public Works recommends the bid be awarded to Suit-Kote, Inc., and

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Commissioner of Public Works, awards the bid proposal to Suit-Kote, Inc. for the 2004 Road Pavement.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

NEW BUSINESS

Supervisor Balland requested the Town Board delete Budget Transfer and add Justice Court Grant Application to the agenda.

MINUTES OF TOWN BOARD MEETING OF APRIL 28, 2004

RESOLUTION NO. 125-04
OIL AND GAS LEASE WITH FORTUNA ENERGY, INC. APPROVED

Resolution by: Fairbrother
Seconded by: Gardner

WHEREAS the Town of Big Flats has been approached by Fortuna Energy, Inc. for the purpose of providing an Oil and Gas Lease for property owned by the Town of Big Flats, and

WHEREAS said lease would be for a primary term of five (5) years, and

WHEREAS the Town Board has been requested to provide Oil and Gas Leases for property on or near Carpenter Road, State Route 352, County Route 64, Maple Shade Acres Subdivision, Kahler Road, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Gas and Oil Lease and Order of Payment with Fortuna Energy, Inc. for the following properties:

- Tax Parcel 76.00-2-27, 9.52 acres in the amount of \$1,142.40 with 100% mineral ownership for the entire 5-year period;
- Tax Parcel 87.00-1-19, 88.8 acres in the amount of \$8,880.00 with 100% mineral ownership for the first year and an additional \$444.00 for each year after not-to-exceed five years;
- Tax Parcel 67.01-1-12, 61.3 acres in the amount of \$6,130.00 with 100% mineral ownership for the first year and an additional \$5.00 per acre for each year after not-to-exceed five years;
- Tax Parcel 57.04-1-6, 4.39 acres in the amount of \$439.00 with 100% mineral ownership for the first year and an additional \$5.00 per acre for each year after not-to-exceed five years;
- Tax Parcel 57.03-2-29, 2.6 acres in the amount of \$260.00 with 100% mineral ownership for the first year and an additional \$5.00 per acre for each year after not-to-exceed five years; and
- Tax Parcel 57.03-2-13, 0.52 acres in the amount of \$52.00 with 100% mineral ownership for the first year and an additional \$5.00 per acre for each year after not-to-exceed five years.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 28, 2004

RESOLUTION NO. 126-04
POSITION OF CUSTODIAN, PART-TIME APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS the Town Board recognizes the need for a part-time Custodian for the Town of Big Flats Community Center, and

WHEREAS in accordance with the Regional Civil Service Commission Rules, Appendix B, the position of Custodian is Non-competitive Class, and

WHEREAS the administration of Town personnel is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same.

BE IT THEREFORE RESOLVED that the Town Board creates the new position of “Custodian, Part-time” as titled and classified by the Chemung County/City of Elmira Regional Civil Service Commission, and

FURTHER RESOLVED the Town board hereby establishes the starting pay for such position to be \$7.50 per hour.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 127-04
PUBLIC HEARING FOR THE PROPOSED LOCAL LAW 2, 2004

Resolution by: Frisbie
Seconded by: Fairbrother

WHEREAS the Town Board requested the Director of Building Inspections and Code Enforcement to review and comment on a proposed zoning amendment for Farm Markets and Roadside Stands and to amend Chapter 17.12 to permit the use of Farm Markets and Roadside Stands in districts intended to support those uses with the Town, and

WHEREAS the Director of Building Inspections and Code Enforcement has reviewed said proposal and recommends the Town Board enact the revisions to Title 17, Section 17.04.050 to read as follows: *Farm Markets: A permanent structure, operated on a seasonal or year-round basis, that allows for agricultural producers to retail agricultural plant products and agriculture-related items directly to consumer and enhance income through value added products, services, and activities.* And *“Roadside Stand: A direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced agricultural plant products as well as locally produced agricultural plant products. Operation is located on an agricultural site or adjacent farm*

MINUTES OF TOWN BOARD MEETING OF APRIL 28, 2004

RESOLUTION NO. 127-04, PUBLIC HEARING FOR THE PROPOSED LOCAL LAW 2, 2004 continued

residence as an accessory use to the principal use of the lot(s). Food franchises are prohibited.”
and

WHEREAS it is further recommended that the Town Board enact the revisions to Section 17.12.010 to read as follows: “*Farm Markets – permitted under Site Plan Review and Approval in Zoning Districts – TC, BN, BN2, BR, CL, I, C*” and “*Roadside Stand – permitted as of right in all Zoning Districts*”, now

BE IT THEREFORE RESOLVED the Town Board determines this to be a Type 1 Action for purposes of SEQRA, and

FURTHER RESOLVED the Town Board intends to be Lead Agency with notice of this proposed law sent to the Chemung County Planning Board as an Involved Agency, and sent to the following interested Agencies:

Town of Elmira
Town of Southport
Town of Catlin
Town of Corning
Town of Horseheads
Village of Elmira Heights, and

FURTHER RESOLVED that the Town Board sets a public hearing on May 26, 2004 at 7:05 p.m. to hear comments regarding proposed Local Law No. 2 of 2004 titled “A Local Law Amending Title 17 – Zoning, Chapter 17.04.050 – Definitions, and Chapter 17.12 District Use Requirements of the Town Municipal Code”, and

FURTHER RESOLVED that pursuant to GML239m this proposed law shall be referred to the Chemung County Planning Board for its review and comment.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 28, 2004

RESOLUTION NO. 128-04
SECRETARY FOR THE BOARD OF ASSESSMENT REVIEW APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS the Board of Assessment Review will be conducting their annual Grievance Day on Tuesday, May 25, 2004 and request the Town Board hire a secretary for these sessions, and

WHEREAS for environmental purposes this a Type 2 Action for purposes of SEQRA in accordance with 6NYCRR, Part 617.5 (c)(20) and as such, requires no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Deanne Williams as Secretary for the Board of Assessment Review at a rate of \$10.00 per hour, contingent upon her acceptance.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 129-04
POLLING SITES FOR 2004 APPROVED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board set the Polling Site designations for the Town of Big Flats as follows:

District #1	Big Flats Community Center
District #2	Big Flats Community Center
District #3	American Baptist Church
District #4	Maranatha Bible Chapel
District #4-5	Maranatha Bible Chapel
District #5	Hillview Methodist Church
District #6	Big Flats Community Center
District #7-6	Big Flats Community Center

FURTHER RESOLVED the Town Board authorizes the Town Clerk to complete the Request for Waiver – Polling Site Accessibility Waiver Application for District #5, Hillview Methodist Church.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 28, 2004

Special Permit Request/Burdick. The consensus of the Town Board was to table this item to determine if the condition of the Special Use Permit granted by the Town Board in Resolution No. 194-96 are satisfied. It was determined that Mr. Burdick will meet with Chuck Coons, Director for Building Inspection and Code Enforcement, on Friday afternoon.

RESOLUTION NO. 130-04

ABSTRACT OF AUDITED VOUCHERS FOR APRIL 2004 APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for April 2004, vouchers 278 and 1327 – 1453, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 49,342.86
HIGHWAY FUND	\$ 37,249.66
CAPITAL PROJECT #6	\$253,346.36
WATER DISTRICT #1	\$ 4,639.63
WATER DISTRICT #2	\$ 3,507.16
WATER DISTRICT #3	\$ 1,132.21
WATER DISTRICT #4	\$ 604.23
LIGHTING DISTRICT	\$ 645.72
TRUST & AGENCY	\$ 1,237.25

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO 131-04

JUSTICE COURT ASSISTANCE PROGRAM GRANT APPLICATION APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS Helen Schwartz, Town Court Clerk, has identified a possible grant source for the acquisition of a sound system, computer, typewriter and shredder for the Town Justice Court through the Justice Court Assistance Program, and

WHEREAS the Town Board determines the acquisition of said equipment for the Town Justice Court is in the Town's Best interest and will assist said Court in improving its operations and efficiency, and

WHEREAS, the submission of the necessary grant application referenced herein, and the acquisition of the above described equipment, is a Type II Action for purposes of SEQRA as being routine agency administration, now

MINUTES OF TOWN BOARD MEETING OF APRIL 28, 2004

RESOLUTION NO 131-04, JUSTICE COURT ASSISTANCE PROGRAM GRANT
APPLICATION APPROVED continued

BE IT THEREFORE RESOLVED, that the Town Board hereby authorizes Henry Schurr, Charles Wood, Helen Schwartz and the Town Supervisor to execute and submit the grant application described above to the Justice Court Assistance Program for the acquisition of a sound system, computer, typewriter and shredder on behalf of the Town to be utilized in the Town Justice Court.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

CORRESPONDENCE

Equalization Rates/NYS ORPS. A notice was received from the State of New York State Board of Real Property Services, dated April 8, 2004, information the Town that based on the state uniform percentage value, the special equalization rates for 2004 are 100%.

Tentative Special Franchise Assessment/ NYS ORPS. A letter was received from the State of New York Office of Real Property Services, dated April 2, 2004, stating that the 2004 Tentative Special Franchise Assessments is 100%.

Surplus Property Request - Smith/NYS DOT. A copy of a letter written to Mr. Dick Smith of 22 Hibbard Road, by Glenn Meteer, Regional Real Estate Office of New York State Department of Transportation, dated April 9, 2004, was received informing Mr. Smith that they cannot progress with or approve the disposal of the property he has requested.

Shared Service Information. An information memo was received that outlined the municipal requested information by the Chemung County Shared Service committee as it relates to department supervisors, appointments, personnel, annual operating revenues and expenses, capital project financing, machinery and equipment, buildings and structures, roads, streets, bridges and related transportation facilities.

Thank You/Wheeler. A thank you note was received from Gene and Joyce Wheeler of 514 County Route 64, thanking the Town Board and employees involved in helping them with the water concerns threatening their home during a recent rainstorm.

Since there were no more questions to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the meeting at 7:24 p.m.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF MAY 12, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Dean Frisbie
 Edward Fairbrother
 Leonard Kaner
 Clerk Teresa Dean

ABSENT: Attorney Thomas Reed II

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

REPORTS

The following reports for April 2004 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Supervisor's Fund Balance Report; Justice Court Monthly Report; Assessor's Monthly Report; Building Department/Code Enforcement's Monthly Report; Youth Commission Minutes; Park Commission Minutes; SPCA and Dog Licensing Monthly Report; Department of Public Works Monthly Report and Tax Collector Final Report.

Community Center update – carpet is being installed and the grouting of the slate tile has begun. Appliances have been delivered.

Library Task Force – Judith Zimmerman, Chairperson, stated that the task force is in the process of applying for a 501(c)3 that would allow them to receive contributions towards the purchase of books. There will be a meeting at Steele Memorial Library to discuss the pros and cons of a library district.

Councilperson Fairbrother thanked Mrs. Zimmerman and her committee for their work.

CONCERNS OF THE PEOPLE. None.

NOTE: Attorney Reed arrived at 4:40 p.m.

PRESENTATION Community Center Advisory Committee

Judith Zimmerman, Chairperson of the Community Center Advisory Committee, stated that the committee has been working extremely hard to propose a use policy and fee schedule for the Community Center. She also thanks Councilperson Frisbie for his participation in said meetings and acknowledged all members of the committee. A packet, for their review and comments, was provided to the Town Board that included the Use Policy and Agreement, Facilities Request, Approval Checklist and Fee Schedule. The committee is recommending that no alcohol be permitted.

MINUTES OF TOWN BOARD MEETING OF MAY 12, 2004

Supervisor Balland provided the Board with a copy of the proposed Town Hall renovation plans and stated that a meeting would be scheduled with them to discuss their concerns and comments.

Supervisor Balland also pointed out that once the blacktop at the Community Center is completed and the Town Hall parking lot is available for blacktopping, all parking for the Town Hall would be temporarily moved to the Community Center.

OLD BUSINESS

RESOLUTION NO. 132-04

SPECIAL USE PERMIT REQUEST FROM TIMOTHY BURDICK FOR TAX PARCEL #66.03-1-26 DENIED

Resolution by: Balland

Seconded by: Gardner

WHEREAS the Town Board has received a letter from Timothy Burdick of 3196 State Route 352, requesting the action of a Special Permit to operate a motor vehicle repair facility on Tax Parcel # 66.03-1-26, and

WHEREAS presently the applicant operates a used car sales business permitted by Special Permit in Town Board Resolution 194-96, and

WHEREAS the repair of vehicles is not presently permitted as a condition of the original approval, and

WHEREAS presently the parcel is zoned BNR district and said use is not permitted in BNR district, and

WHEREAS said request could potentially be for:

1. adding repair of vehicles use in the BNR district or
2. changing that portion of the district in which Tax Parcel #66.03-1-26 lies to a district that permits the required use, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board determines that repair of vehicles would require a zoning amendment, and

FURTHER RESOLVED the Town Board finds that a zoning amendment to permit the repair of vehicles on Tax Parcel #66.03-1-26 is not consistent with the Town Comprehensive Plan based on the following:

1. The intent of the BNR district, as described in Chapter 17.080.040(G) of the Town Municipal Code, states that “to provide for and accommodate certain low intensity, non-retail business use that by their nature will be compatible with the lack of services” and

MINUTES OF TOWN BOARD MEETING OF MAY 12, 2004

RESOLUTION NO. 132-04, SPECIAL USE PERMIT REQUEST FROM TIMOTHY BURDICK FOR TAX PARCEL #66.03-1-26 DENIED continued

2. The nearest district which currently permits the requested use is Commercial Light Industrial (CL) which is located adjacent to Winters Road.

FURTHER RESOLVED the Town Board hereby denies the request for a Special Permit to operate a motor vehicle repair facility on Tax Parcel #66.03-1-26 as submitted by Timothy Burdick.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSTAIN: Fairbrother

NEW BUSINESS

Financial Audit. Supervisor Balland stated a letter, dated February 19, 2004, was received from Richard M. McNeilly with the comments and applicable financial statement for 2003.

RESOLUTION NO. 133-04
PURCHASE OF FIXED ASSETS PROGRAM FROM KVS INFORMATION SYSTEMS, INC.
APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Town Bookkeeping office has determined that an application software for Fixed Assets is needed for said office, and

WHEREAS the Town utilities KVS Information Systems, Inc. software for various Bookkeeping function, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the purchase and the Town Supervisor to execute the necessary paperwork for the purchase of the Fixed Assets application software from KVS Information Systems, Inc. at a cost not-to-exceed \$2,800.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 12, 2004

RESOLUTION NO. 134-04
CUSTODIAN, PART-TIME APPOINTMENT APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS the Town Board adopted Resolution No. 126-04 which created the position of Custodian, Part-time, and

WHEREAS applications were received and interviews of qualified candidates were conducted, and

WHEREAS a determination has been made that the Town Board consider hiring William Fasick, 67 Canal Street and Clifton Case, 27 Goss Road, Big Flats as Custodian, Part-time, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby appoints William Fasick of 67 Canal Street and Clifton Case of 27 Goss Road, Big Flats as Custodian, Part-time, each at the rate of \$7.50 per hour not-to-exceed 20 hours per week effective June 7, 2004 subject to final review and approval of the Chemung County/City of Elmira Regional Civil Service Commission.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 135-04
DIRECTOR OF RECREATION, PART-TIME, POSITION CREATED AND INTERIM
APPOINTMENT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has determined that an interim director is needed for the purposes of organizing and administrating the activities in an attempt to insure maximum efficiency of the Big Flats Community Center, and

WHEREAS in accordance with the Regional Civil Service Commission Rules, Appendix B, the position of Director of Recreation, Part-time appears to be in the Non-competitive Class, and

WHEREAS the Town Board has determined that a member of the Community Center Advisory Committee is qualified and eligible for the position of interim Director of Recreation, Part-time, and

MINUTES OF TOWN BOARD MEETING OF MAY 12, 2004

RESOLUTION NO. 135-04, DIRECTOR OF RECREATION, PART-TIME, POSITION
CREATED AND INTERIM APPOINTMENT APPROVED continued

WHEREAS the administration of Town personnel is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same.

BE IT THEREFORE RESOLVED that the Town Board creates the new position of "Director of Recreation, Part-time" subject to the final review and approval of the Chemung County/City of Elmira Regional Civil Service Commission and the Town Supervisor is authorized to execute and submit any and all documents to effectuate the same, and

FURTHER RESOLVED the Town Board hereby appoints Judith T. Zimmerman as interim "Director of Recreation, Part-time" effective June 7, 2004 at a rate of \$12.50 per hour, not-to-exceed 20 hours subject to final review and approval of the Chemung County/City of Elmira Regional Civil Service Commission.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 136-051204
ALTERNATE SECRETARY TO THE ZONING BOARD OF APPEALS APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS the Town Supervisor has determined that in the absence of the Secretary an alternate Secretary is required for the Zoning Board of Appeals, and

WHEREAS the administration of Town personnel is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same.

BE IT THEREFORE RESOLVED the Town Board hereby appoints Kim Seymour as an alternate Secretary for the Zoning Board of Appeals, effective April 19, 2004, at the rate of \$50.00 per meeting.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: Fairbrother

MINUTES OF TOWN BOARD MEETING OF MAY 12, 2004

RESOLUTION NO. 137-04

SECRETARY FOR THE BOARD OF ASSESSMENT REVIEW DURING THE GRIEVANCE
DAY PROCESS ON MAY 25, 2004 APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS the Board of Assessment Review will be conducting their annual Grievance Day on Tuesday, May 25, 2004 and request the Town Board hire a secretary for these sessions, and

WHEREAS for environmental purposes this a Type 2 Action for purposes of SEQRA in accordance with 6NYCRR, Part 617.5 (c)(20) and as such, requires no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Kim Seymour as Secretary for the Board of Assessment Review during the Grievance Day process on May 25, 2004 at her regular rate of pay.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 138-04

BERGMANN ASSOCIATES, P.C. AGREEMENT FOR REVIEWING RAYMOUR AND
FLANIGAN FURNITURE SITE PLAN APPROVED

Resolution by: Frisbie
Seconded by: Kaner

WHEREAS the Town of Big Flats Planning Board has received a request from to Raymour Furniture, Inc, owner of Raymour and Flanigan Furniture, for site plan approval for a new furniture showroom located on Tax Parcel 58.03-1-1.7, located on Colonial Drive adjacent for Exit 51 A on State Route 17, and

WHEREAS the Town of Big Flats Planning Board has determined that the Site Plan application, for traffic and drainage review, be referred to Bergmann Associates, P.C. for review, and

WHEREAS, the Town Municipal Code, Section 2.12.050, requires that the applicant establish an account with the Town for payment of the consultant for the Town for their review of said application, and

WHEREAS Bergmann Associates, P.C. has agreed to provide review of the traffic and drainage studies at a cost not-to-exceed \$3,900.00, and

WHEREAS for environmental review purposes administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same,

MINUTES OF TOWN BOARD MEETING OF MAY 12, 2004

RESOLUTION NO. 138-04, BERGMANN ASSOCIATES, P.C. AGREEMENT continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Bergmann Associates, P.C. for purposes of providing technical review for the Raymour Furniture, Inc. application, and

FURTHER RESOLVED that the Agreement be subject to the review and approval by the Attorney for the Town and the Town agrees the cost not-to-exceed Three Thousand Nine Hundred Dollars (\$3,900.00).

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into executive session immediately following the correspondence of the Town Board workshop to discuss a particular personnel matter. All in favor. Motion carried.

CORRESPONDENCE

Appreciation/C. & M. McDermott. A copy of a letter written to Gordon Cole, owner of Retirement Estates of Big Flats, dated May 1, 2004 was received thanking their staff and the Town for their assistance with the process in constructing a front porch.

Resolution Approval/Regional Civil Service Commission. A letter was received from Chemung County/City of Elmira Regional Civil Service Commission, dated May 3, 2004, informing the Town Supervisor that New York State Civil Service Commission approved the title of Commissioner of Public Works in the unclassified service.

Celebration of Water Week/NYSDEC. A letter was received from the Department of Environmental Conservation, dated April 23, 2004, informing the Town Board of the annual celebration of Water Week on May 2-8, 2004.

Revenue Ruling/NYS Deferred Compensation Board. A letter was received from NYS Deferred Compensation Board, dated April 26, 2004, stating that the revenue ruling changes by the Internal Revenue Service, deferred compensation plans may now distribute assets into a deferred compensation plan from another qualified retirement plan.

New York State Sign Program/NYS DOT. A letter was received from New York State Department of Transportation, dated April 27, 2004, providing the Town with a copy of the "New York State Sign Program" regarding registration and control of outdoor advertising signs, displays and devices along the highway.

Appreciation – Tire Collection Day/CC Soil & Water Conservation District. A letter of appreciation was received from Chemung County Soil & Water Conservation District, dated April 26, 2004, for the Town Highway Department participation in Tire Collection Day.

MINUTES OF TOWN BOARD MEETING OF MAY 12, 2004

SEQRA Lead Agency Reply/CC Planning Department. A letter was received from Chemung County Planning Department, dated May 5, 2004, advising the Town Board that they do not have objections to the Town Board being lead agency for SEQRA determination for proposed Local Law No. 2, 2004.

The Town Board entered into Executive Session at 5:00 p.m. Supervisor Balland reconvened the Town Board meeting at 5:21 p.m.

Councilperson Kaner made a motion, seconded by Councilperson Fairbrother, to adjourn the meeting at 5:21 p.m. All in favor. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF MAY 26, 2004

PRESENT:	Supervisor	Mary Ann Balland
	Council	Duane Gardner
		Dean Frisbie
		Edward Fairbrother
		Leonard Kaner
	Attorney	Thomas Reed II
	Clerk	Teresa Dean

Supervisor Balland called the Town Board meeting of May 26, 2004 to order at 7:00 p.m.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to approve the minutes of April 28, 2004 as presented. All in favor, motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Fairbrother, to approve the minutes of May 12, 2004 as presented. All in favor, motion carried.

Supervisor Balland stated the water district extension proposal is being reviewed by Allen Engineers. As for Mr. Izzo's comment regarding the drainage of the municipal complex, she has not received any telephone calls. Supervisor Balland briefly reviewed some of the agenda items for the next meeting.

PUBLIC HEARING: 7:05 P.M. Local Law 2, 2004 - Zoning Law Amendment

Supervisor Balland called the public hearing to order and Attorney Reed read the legal notice duly advertised in the Elmira Star Gazette on May 17, 2004, which allowed and considered public comments on a proposed Local Law 2, 2004 with would enact the revisions to Title 17 for Farm Markets and Roadside Stands and to amend Chapter 17.12 to permit the use of Farm Markets and Roadside Stands in districts intended to support those uses within the Town of Big Flats.

IN FAVOR:	None
OPPOSITION:	None
COMMENTS:	None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 7:07 p.m.

OLD BUSINESS

Proposed Local Law 2, 2004. Supervisor Balland stated that we are waiting for a reply from the Chemung County Planning Board; therefore, this item would be discussed at the next Town Board workshop.

MINUTES OF TOWN BOARD MEETING OF MAY 26, 2004

NEW BUSINESS

RESOLUTION NO. 139-04

AMERICAN FIREWORKS MANUFACTURING PERMIT APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS Big Flats Community Day, Inc. will be holding their annual Community Days Festival June 17 through 19, 2004, and

WHEREAS Big Flats Community Day, Inc. has contracted with American Fireworks Manufacturing Co. Inc. to conduct a fireworks display on June 18, 2004 with a rain date of June 19, 2004, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board authorizes the Fireworks Commissioner to sign the Fireworks Permit permitting the fireworks display per the agreement between Big Flats Community Day, Inc. and American Fireworks Manufacturing Co., Inc. to be held on June 18, 2004 with a rain date of June 19, 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 140-04

BIG FLATS COMMUNITY DAY, INC. GAMES OF CHANCE LICENSE APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS an application for Games of Chance was received from Big Flats Community Day, Inc., dated May 25, 2004, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF MAY 26, 2004

RESOLUTION NO. 140-04, BIG FLATS COMMUNITY DAY, INC. GAMES OF CHANCE
LICENSE APPROVED continued

BE IT THEREFORE RESOLVED the Town Board approves the Application for Games of Chance License, dated May 25, 2004, from Big Flats Community Day, Inc. to perform games of chance events as outlined in the application, subject to a determination that designated members conducting games of chance are of good moral character.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

Supervisor Balland announced that SYNTHES, USA is having a groundbreaking ceremony on May 27, 2004 at 1:00 p.m.

RESOLUTION NO. 141-04
2004 SUMMER T.A.F.F.Y. EMPLOYEES APPOINTMENT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Big Flats Youth Commission will be hosting the Summer TAFFY Program June 30 - August 6, 2004, and

WHEREAS the Youth Commission conducted interviews and necessary background checks and recommends the Town Board appoint the employees as outlined in a memo dated May 19, 2004.

BE IT THEREFORE RESOLVED the Town Board appoints the following Summer TAFFY employees:

Monika Bargesser	109 Burkeshire Drive, HH	\$7.50
Erica Brown	15 Woodland Way, HH	\$7.25
Stuart Buqueras	207 Sayre Street, HH	\$7.25
Autumn Chevalier	200 Scenic Drive, HH	\$6.75
Sarah Clark	131 Hillview Drive, Big Flats	\$7.25
Christopher Drake	28 Green Valley Drive, Big Flats	\$6.75
Melissa Evans	9 Groff Road, HH	\$5.75 Intern
Jesse Ferris	1162 North Main St., Elmira	\$7.00
Jessica Frisbee	51 Cayuga Drive, HH	\$6.75
Megan Hart	203 Breed Hollow Road, HH	\$5.75 Intern
Dana Hillard	129 Evergreen Lane, Erin	\$6.75
Christine Jackson	25 Larchmont Ave., HH	\$7.25
Stephanie Jarvis	47 Pine Circle, HH	\$7.00
Lisa Kabot	298 Middle Road, HH	\$6.75
Mary Kennedy	11 Seneca Drive, HH	\$7.00
Amy Madison	172 Ridge Road, HH	\$6.75
Tara Matteson	36 Pine Forrest Drive, HH	\$9.00 Program Ast.

MINUTES OF TOWN BOARD MEETING OF MAY 26, 2004

RESOLUTION NO. 141-04, 2004 SUMMER T.A.F.F.Y. EMPLOYEES APPOINTMENT
APPROVED continued

Craig Mullen	20 Antler Road, Big Flats	\$5.50 Intern
Jaysen Palko	735 Murphy Hill Road, HH	\$7.50
Christina Pazos	72 Lyons Drive, HH	\$6.75
Erin Rourke	11 Algonquin Drive, HH	\$7.00
Melinda Savino	17 Cardinal Road, HH	\$6.75
Julia Seymour	3322 St. Rt.352 Apt.A, Corning	\$7.25
Chad Sozanski	810 Harris Hill Road, Elmira	\$5.50 Intern
Andrea Tarshus	35 Lexington Run, HH	\$7.00
Corrin Thompson	11 Forrest Drive, HH	\$7.00
Kathleen VonBevern	51 Glendale Drive, HH	\$5.75 Intern
Monique Winnett	2881 County Line Drive, Big Flats	\$9.00 Program Asst.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland
NAYS: None ABSTAIN: Frisbie

MS4 Agreement. Supervisor Balland stated this item would have to be reviewed at the next meeting.

RESOLUTION NO. 142-04
PARKING ALONG STATE ROUTE 352 IN THE VICINITY OF THE COMMUNITY PARK
LETTER AUTHORIZED TO NYSDOT

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS it has been brought to the attention of the Town Board that vehicles are parking along NYS Route 352, and

WHEREAS said road is a New York State highway and the Town Board has no jurisdiction over this highway, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to send a letter to New York State Department of Transportation informing them of the concerns brought to the attention of the Town Board relative to parking along NYS Route 352 in the vicinity of the Community Park.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 26, 2004

RESOLUTION NO. 143-04

ABSTRACT OF AUDITED VOUCHERS FOR MAY 2004 APPROVED

Resolution by: Frisbie

Seconded by: Gardner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for May 2004, vouchers 1454 – 1552, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 34,245.49
HIGHWAY FUND	\$ 16,305.79
CAPITAL PROJECT #6	\$197,589.52
WATER DISTRICT #1	\$ 4,652.43
WATER DISTRICT #2	\$ 4,943.41
WATER DISTRICT #3	\$ 1,592.32
WATER DISTRICT #4	\$ 220.99
LIGHTING DISTRICT	\$ 645.72
TRUST & AGENCY	\$ 1,237.25

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session immediately following this meeting to discuss a particular personnel matter and pending litigation. All in favor. Motion carried.

CORRESPONDENCE

Gas Well Drilling Permit/NYSDEC. A letter was received from New York State Department of Environmental Conservation, dated May 10, 2004, informing the Town Board that a gas well drilling permit application has been submitted for a site in the Town of Big Flats.

Introduction Memorandum in Support. A notice was received from Assemblyman Winner, dated March 2, 2004, indicating that Senator Kuhl and he had introduced the amendment to Town Law and Public Officers Law.

Request for Rezoning Timeframe/VIP Structures. A letter was received from V.I.P. Structures, dated May 13, 2004, requesting rezoning of their facility located at 199 Sing Sing Road. Supervisor Balland stated that they are aware that the Town Board is considering an update to the comprehensive plan; therefore, they are willing to wait.

Road Repair Notice – Carson Drive, Anderson Drive, Cady Drive, & Ponderosa Drive. Letters were sent to property owners on Carson Drive, Anderson Drive, Cady Drive and Ponderosa Drive announcing that their roads will be repaved.

Robert Hooey Subdivision/DPW. A memo was sent to the Director of Code Enforcement, dated May 5, 2004, from the Commissioner of Public Works to discuss concerns relative to driveways off hammerheads, private road, and drainage regarding Robert Hooey Subdivision located in Suburban Acres.

MINUTES OF TOWN BOARD MEETING OF MAY 26, 2004

Appreciation – Welliver McGuire/DPW. A letter was written to Welliver McGuire, Inc., dated May 6, 2004, thanking Pat Thomas for his performance as Project Manager for the Town of Big Flats construction project.

Stormwater Drainage Compliance/CC Soil & Water Conservation District. A letter was sent to Mark Watts, District Manager of Chemung County Soil and Water Conservation District, dated May 10, 2004, requesting their department review the Town Complex stormwater drainage to assure compliance with all regulations.

Highway Supervisor Gaylord stated that a meeting would be held with Fortuna and A.L. Blades to discuss the restoration of Upson Road.

Supervisor Balland closed this portion of the meeting at 7:15 p.m.

WATER BOARD

CORRESPONDENCE

Water District No. 2 Extension Order Filed. A letter was received from the Office of the State Comptroller, dated May 3, 2004, acknowledging receipt of the Extension of Water District No. 2 being filed on January 6, 2004.

The Town Board was informed that leak detection has been completed and no major leaks were detected.

CONCERNS OF THE PEOPLE

Jane King, 15 Kelley Drive, thanked the Department of Public Works for fixing the potholes on Olcott Road South.

Councilperson Frisbie asked what the status was of repairing potholes. Supervisor Gaylord stated that the Highway Department is currently working on milling and very little patching. However, if reports are filed regarding potholes, they will be fixed.

Supervisor Balland stated that we continue to receive Freedom of Information requests and are working on replies to those requests. She also thanked the Town Board for their assistance with those requests.

The Town Board entered into Executive Session at 7:25 p.m.

Supervisor Balland reconvened the meeting at 8:23 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the meeting at 8:23 p.m. All in favor. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF JUNE 9, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Dean Frisbie
 Edward Fairbrother
 Leonard Kaner
 Clerk Teresa Dean

ABSENT: Council Duane Gardner
 Attorney Thomas Reed II

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

PRESENTATION: Elmira-Corning Transportation Study – Tanya Mooza Zwahlen

Tanya Zwahlen stated that she is a Transportation Planner for Bergmann Associates and is in the process of working with the Elmira-Chemung Transportation Council to update their long-range transportation plan. The Federal government requires this plan for rural areas with a specified population. It will help prioritize issues of concern and funding. In May 2004 a committee was established to set goals, talk about issues with the public, write a plan, review the plan with the public, and anticipate on adopting a plan in December 2004. At this time Ms. Zwahlen, stated that any comments and/or concerns are welcome either by contacting her at Bergman Associates, contacting a member of the Steering Committee, or visiting the website at www.elmirampo.org.

REPORTS.

The following reports for May 2004 are on file in the office of the Town Clerk:

Town Clerk's monthly report; Supervisor's fund balance report; Court monthly report; Building Department/Code Enforcement monthly report; Assessor's monthly report; Parks Commission minutes; Youth Commission minutes; Department of Public Works monthly report.

Supervisor Balland provided updated reports on the following:

- Post Office lease indicates that the interior of the post office would be painted every 5 years – two quotes have been received and a proposal would be provided at the next meeting;
- The anticipated move in date of the Community Center is June 21, 2004; and
- Civil Service Commission held their meeting and provided job classifications for the Community Center.

NOTE: Attorney Reed arrived.

Supervisor Balland stated that a letter to the editor in the Elmira Star-Gazette discussed concerns regarding the misprint of the assessment notices and that after leaving messages on the Assessor's voice mail, no reply was received. The person has been contacted and the issues have been taken care of. In the future there will be personnel to answer the phones. Bill Torp – Town Assessor stated that the office spoke with approximately 5% of the residence that were mainly concerned with whether or not their exemptions were valid. Overall the process went well.

MINUTES OF TOWN BOARD MEETING OF JUNE 9, 2004

CONCERNS OF THE PEOPLE.

Judith Zimmerman, Churchill Place, stated that she had discomfort with the phones not being answered and recommended that in the future, staffing be hired to answer the telephones.

RESOLUTION NO. 144-04
COMMUNITY CENTER ADVISORY COMMITTEE ABOLISHED AND COMMUNITY
CENTER BOARD ESTABLISHMENT APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS the Town Board adopted Resolution No. 234-03, September 10, 2003, establishing a Community Center Advisory Committee whose purpose will be to formulate policy and regulations to be presented to the Town Board, and

WHEREAS the Town Board has determined that said Committee is necessary to review and provide updates of the Use Policy and Agreement and monitor the daily activities of said facility, and

WHEREAS the Town Board has determined that the Community Center Advisory Committee should be abolished and a Community Center Board established, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Community Center Advisory Committee is hereby abolished, and

FURTHER RESOLVED the Town Board establishes a Community Center Board that will be comprised of a total of seven members; five community representatives, one person representing the Youth Commission, and one person representing the Senior Citizens Committee, and

FURTHER RESOLVED the Town Board will appoint two community representatives for a two-year term and three community representatives for a three-year term. Representatives from the Youth Commission and Senior Citizen Committee, as recommended by their respective group, will be appointed annually by the Town Board at the Town Board's Organization Meeting, and

FURTHER RESOLVED the Recreation Leader, working with youth, will be a non-voting member, and

FURTHER RESOLVED the Town Board authorizes the Chairperson of the Community Center Board to be paid \$50.00 for each regularly scheduled monthly meeting actually attended by the Chairperson(s) and payment shall be made by a voucher and submitted to the Bookkeeper, and

MINUTES OF TOWN BOARD MEETING OF JUNE 9, 2004

RESOLUTION NO. 144-04, COMMUNITY CENTER ADVISORY COMMITTEE
ABOLISHED AND COMMUNITY CENTER BOARD ESTABLISHMENT APPROVED
continued

FURTHER RESOLVED that each regular member of the Community Center Board of the Town of Big Flats shall be paid \$15.00 for each regularly scheduled monthly meeting actually attended by said member and payment shall be made by a voucher submitted to the Bookkeeper, and

FURTHER RESOLVED a secretary, as recommended by the Community Center Board, will be appointed by the Town Board at the Town Board's Organization Meeting.

CARRIED: AYES: Frisbie, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Gardner

RESOLUTION NO. 145-04
COMMUNITY CENTER BOARD APPOINTMENT APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS the Town Board established a Community Center Board whose purpose is to review and provide updates of the Use Policy and Agreement and monitor the daily activities of said facility, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints the following citizens to the Community Center Board for the terms specified:

Judith T. Zimmerman, 29 Churchill Place	December 31, 2005
John Farr, 16 Winters Road	December 31, 2005
Marie B. Caroscio, 60 Davenport Road	December 31, 2006
Vicie A. Rolling, 1559 Riff Road	December 31, 2006
Christopher Friend, 44 Liberty Way	December 31, 2006

FURTHER RESOLVED the Town Board appoints Robert Thorborg as representing the Youth Commission and Robert Newlun as representing the Senior Citizens Committee, and

FURTHER RESOLVED the Town Board appoints Suzanne Brinthaup as secretary to the Community Center Board.

CARRIED: AYES: Frisbie, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Gardner

MINUTES OF TOWN BOARD MEETING OF JUNE 9, 2004

RESOLUTION NO. 146-04
FEE SCHEDULE FOR THE BIG FLATS COMMUNITY CENTER APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS a Community Center Board has been established and said Board has recommended a Use Policy and Agreement and a Fee Schedule for those who wish to use the Community Center, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves and adopts the submitted Fee Schedule for the Community Center.

CARRIED: AYES: Frisbie, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Gardner

RESOLUTION NO. 147-04
BIG FLATS COMMUNITY CENTER RECEIVERS OF REVENUE APPROVED

Resolution by: Frisbie
Seconded by: Kaner

WHEREAS the Town Board authorized the construction of a new Community Center and said facility is near completion, and

WHEREAS a Community Center Board has been established and said Board has recommended a Use Policy and Agreement and a Fee Schedule for those who wish to use the Community Center, and

WHEREAS it has been determined that receivers of revenue will be required to collect the agreements and fees associated with the use of the Community Center, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Suzanne Brinthaup and Judith Zimmerman as Receivers of Revenue for the Community Center.

CARRIED: AYES: Frisbie, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Gardner

MINUTES OF TOWN BOARD MEETING OF JUNE 9, 2004

RESOLUTION NO. 148-04

USE POLICY AND AGREEMENT FOR THE COMMUNITY CENTER APPROVED

Resolution by: Balland

Seconded by: Kaner

WHEREAS the Town Board authorized the construction of a new Community Center and said facility is near completion, and

WHEREAS a Community Center Board has been established and said Board has recommended a Use Policy and Agreement and a Fee Schedule for those who wish to use the Community Center, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves and adopts the submitted Use Policy and Agreement for the Community Center.

CARRIED: AYES: Frisbie, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Gardner

RESOLUTION NO. 149-04

CHANGE ORDER TO PROVIDE AND INSTALL SNOW GUARDS ON THE COMMUNITY CENTER ROOF APPROVED

Resolution by: Kaner

Seconded by: Fairbrother

WHEREAS it is recommended by Suresh Shah and Teitsch-Kent-Fay Architects to approve the change order to install Snow Guards on the Community Center Roof, and

WHEREAS a change order for said changes has been submitted by Welliver McGuire, Inc., and

WHEREAS the change order for labor and material for said change is not to exceed \$5,683.56, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to sign the change order with Welliver McGuire, Inc. not to exceed \$5,683.56 to install Snow Guards on the Community Center Roof.

CARRIED: AYES: Frisbie, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Gardner

MINUTES OF TOWN BOARD MEETING OF JUNE 9, 2004

RESOLUTION NO. 150-04
BID ADVERTISEMENT FOR A CONSULTANT TO COMPLETE A TOWN-WIDE
COMPREHENSIVE PLAN UPDATE AND A STRATEGIC PLAN FOR THE TOWN
CENTER APPROVED

Resolution by: Balland
Seconded by: Frisbie

WHEREAS the Town Board has determined a need to solicit services of a consultant for the propose of updating the Town Comprehensive Plan, and

WHEREAS the Town of Big Flats has received a Technical Assistance Grant from the Governor's office for the purpose of studying and preparing a Strategic Plan for the Town Center and a requirement of the grant is to advertise for a consultant to assist in the development of the Strategic Plan, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board directs and authorizes the Town Clerk to advertise for the services of a consultant to perform a Comprehensive Plan Update and a Strategic Plan for the Town Center.

CARRIED: AYES: Frisbie, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Gardner

RESOLUTION NO. 151-04
RESOLUTION REQUESTING ADOPTION OF SENATE BILL S.6329 AND ASSEMBLY
BILL A.9998 REGARDING MUNICIPAL HOME RULE, THAT SPECIAL LEGISLATION
CONCERNING PUBLIC OFFICERS LAW SECTION 3 AND TOWN LAW SECTION 23

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Town recognizes the residency requirements set forth in Town Law Section 23 and Public Officers' Law Section 3 require that a person appointed by the Town to certain public offices within the Town must be residents of the Town; and

WHEREAS the Town hereby determines that such residency requirements are antiquated and significantly restrict the ability of the Town to select the best qualified candidates to fill such positions because of the limited geographical area in which such candidates are sought, or to which such candidates are forced to relocate; and

WHEREAS the Town has recognized and attempted to alleviate these concerns by the adoption of Town Code Chapter 2.40; and

MINUTES OF TOWN BOARD MEETING OF JUNE 9, 2004

RESOLUTION NO. 151-04, RESOLUTION REQUESTING ADOPTION OF SENATE BILL S.6329 AND ASSEMBLY BILL A.9998 continued

WHEREAS, the Town hereby seeks to ensure that such residency requirements are fully addressed and no longer applicable in the Town; and

WHEREAS administration is a Type II Action in accordance with SEQRA, 6NYCRR 617.5 (20) and thus no further environmental review is necessary herein

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the submission of a municipal home rule request to Senator Randy Kuhl and Assemblyman George Winner, thereby requesting that the residency requirements of Public Officers Law Section 3 and Town Law Section 23 be amended to allow the following public offices to be filled by individuals residing in the County of Chemung and its adjacent Counties:

Assessor, Town Attorney, Director of Building Inspection/Code Enforcement Office, Commissioner of Public Works, Building Inspector/Code Enforcement Officer Assistant, Water Systems Supervisor, Deputy Town Clerk

NOW, BE IT FURTHER RESOLVED that the Town Board request that the House of Legislature pass Senate Bill S.6329 and Assembly Bill A.9998.

CARRIED: AYES: Frisbie, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Gardner

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session immediately following the correspondence items to discuss a particular personnel matter with the Commissioner of Public Works present and pending litigation. All in favor, except Councilperson Gardner was absent. Motion carried.

CORRESPONDENCE

Portion of County Route 64 Investigation/NYS DOT. A letter was received from New York State Department of Transportation, dated May 21, 2004, stating that during their investigation of the speed limit on County Route 64 between Welles Bridget and the Town line the prevailing speed does not warrant a reduction in speed limit.

Notice of Tentative State Equalization Rate/ORPS. A letter was received from the State Board of Real Property Service informing the Town Board that the tentative equalization rate is 100% and a hearing will be held on June 22, 2004 at 10:00 a.m.

Annual State Purchasing Forum/Office of General Services. A notice was received from the offices of General Services and State Comptroller informing the Town Board of the fifth annual state purchasing forum to be held June 16 and 17, 2004 in Albany.

MINUTES OF TOWN BOARD MEETING OF JUNE 9, 2004

Commissioner Appointment/BF Fire District No. 1. A letter was received from Linda van der Grinten, Secretary of Big Flats Fire District No. 1, dated May 20, 2004, informing the Town Board that Mark Chaborek of 119 Park Terrace was appointed as a Fire Commissioner.

Real Property Transfer Report/SYNTHES (USA). A letter was received from SYNTHES (USA), dated May 17, 2004, stating that on May 12, 2003 a transfer was filed transferring Tax Parcel 57.02-1-69 from Synthes (U.S.A.) LP to Synthes (U.S.A.).

Liquor License Renewal Notice/The Crystal House Restaurant. A notice was received from Samuel Kemp II, dated May 20, 2004, informing the Town Board of his intention of reviewing the liquor license for The Crystal House Restaurant located at 89 Fisherville Road.

Status Report/CC Shared Services Task Force. A status report, dated June 1, 2004, was received from Ben Riggs, Chairman of the Chemung County Shared Services Task Force, informing the Town Board that they are still gathering information and a meeting would be held later in the summer.

The Town Board entered into Executive Session at 5:15 p.m.

Supervisor Balland reconvened the meeting at 6:05 p.m. Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the meeting at 6:05 p.m. All in favor, except Councilperson Gardner was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF JUNE 23, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Dean Frisbie
 Edward Fairbrother
 Leonard Kaner
 Attorney Thomas Reed II
 Clerk Teresa Dean

Supervisor Balland called the Town Board meeting to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to approve the minutes of May 26, 2004 as presented. All in favor, motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Fairbrother, to approve the minutes of June 9, 2004 as presented. All in favor, except Councilperson Gardner abstained. Motion carried.

CONCERNS OF THE PEOPLE.

Adrienne Bernhardt, 809 Harris Hill Road, stated that there appears to be several large dead trees and trees with roots exposed along Halderman Hollow Road and asked if there was something that could be done? Supervisor Balland requested the Highway Supervisor to investigate this condition.

OLD BUSINESS

RESOLUTION NO. 152-04

LOCAL LAW #2, 2004, TITLE 17 AMENDMENT FOR FARM MARKETS AND ROADSIDE STANDS APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Town Board duly adopted Resolution No. 127-04 which established SEQRA determination and set a public hearing for the proposed amendment to Title 17 for Farm Markets and Roadside Stands and to amend Chapter 17.12 to permit the use of Farm Markets and Roadside Stands in districts intended to support those uses with the Town, and

WHEREAS the Director of Building Inspections and Code Enforcement has reviewed said proposal and recommends the Town Board enact the revisions to Title 17, Section 17.04.050 to read as follows: *Farm Markets: A permanent structure, operated on a seasonal or year-round basis, that allows for agricultural producers to retail agricultural plant products and agriculture-related items directly to consumer and enhance income through value added products, services, and activities.*” and *“Roadside Stand: A direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced agricultural plant products as well as locally produced*

MINUTES OF TOWN BOARD MEETING OF JUNE 23, 2004

RESOLUTION NO. 152-04, LOCAL LAW #2, 2004, TITLE 17 AMENDMENT FOR FARM MARKETS AND ROADSIDE STANDS APPROVED continued

agricultural plant products. Operation is located on an agricultural site or adjacent farm residence as an accessory use to the principal use of the lot(s). Food franchises are prohibited.” and

WHEREAS it is further recommended that the Town Board enact the revisions to Section 17.12.010 to read as follows: *“Farm Markets – permitted under Site Plan Review and Approval in Zoning Districts – TC, BN, BN2, BR, CL, I, C”* and *“Roadside Stand – permitted as of right in Zoning Districts – RU, TC, BN, BN2, BNR, BR, ABD, CL, I, C”*, now

WHEREAS a Public Hearing was duly held on May 26, 2004, and

WHEREAS said proposed amendment were reviewed by the Chemung County Planning Board and a motion adopted indicating no adverse impacts, now

BE IT THEREFORE RESOLVED that the Town Board adopts Local Law No. 2 of 2004 titled “A Local Law Amending Title 17 – Zoning, Chapter 17.04.050 – Definitions, and Chapter 17.12 District Use Requirements of the Town Municipal Code”, and

FURTHER RESOLVED that Local Law No. 2 of 2004 is effective immediately upon the filing with the Secretary of State.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 153-04
PUBLIC HEARING FOR PROPOSED LOCAL LAW 3, 2004 APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS during the legislative cycle for 2002, the mandatory age for licensing dogs changed from six months to four months, and

WHEREAS the Town Clerk has reviewed the Town Municipal Code, Chapter 6.04, and recommends the Town Board enact the amendment to Title 6 – Animals, Chapter 6.04, Section 6.04.020(F), to read as *“Is unlicensed when four months of age or older;”* and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF JUNE 23, 2004

RESOLUTION NO. 153-04, PUBLIC HEARING FOR PROPOSED LOCAL LAW 3, 2004
APPROVED continued

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on July 28, 2004 at 7:05 p.m. to hear comments regarding proposed Local Law No. 3 of 2004 titled "A Local Law Amending Title 6 – Animals, Chapter 6.04, Subsection 6.040.020(F).

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 154-04
PUBLIC HEARING FOR PROPOSED LOCAL LAW 4, 2004 APPROVED

Resolution by: Balland
Seconded by: Gardner

WHEREAS the Town Board adopted Resolution No. 144-04 establishing a Community Center Board of the Town of Big Flats and provided compensation for said Board, and

WHEREAS the Town Clerk has reviewed the Town Municipal Code, Chapter 2.24, and recommends the Town Board enact the amendment to Title 2 – Administration and Personnel, Chapter 2.24 – Compensation of Boards and Commissions, to include the Community Center Board, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on July 28, 2004 at 7:10 p.m. to hear comments regarding proposed Local Law No. 4 of 2004 titled "A Local Law Amending Title 2 – Administration and Personnel, Chapter 2.24 – Compensation of Boards and Commissions".

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 155-04
COOK PAINTING TO PAINT THE INTERIOR OF THE POST OFFICE APPROVED

Resolution by: Gardner
Seconded by: Fairbrother

WHEREAS the need to paint the interior of the Post Office has been acknowledged as stated in the lease agreement, and

WHEREAS the Commissioner of Public Works solicited quotes, and

MINUTES OF TOWN BOARD MEETING OF JUNE 23, 2004

RESOLUTION NO. 155-04, COOK PAINTING TO PAINT THE INTERIOR OF THE POST OFFICE APPROVED continued

WHEREAS Cook Painting submitted the lowest quote not to exceed \$2,280.00, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Cook Painting to perform the interior painting of the Post Office for a total not to exceed \$2280.00.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland
NAYS: Frisbie

RESOLUTION NO. 156-04
TEMPORARY STAFF SERVICES SALARIES AND APPOINTMENT OF RECEIVERS OF
REVENUE FOR WATER DISTRICTS APPROVED

Resolution by: Frisbie
Seconded by: Kaner

WHEREAS the Town Board adopted Resolution No. 50-04 which appointed temporary staff services from an approved list, and

WHEREAS it has been determined that said list requires updating, and

WHEREAS it has been determined that the Resolution No. 52-04, Receivers of Revenue for Water Districts also requires updating, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to hire temporary help from the approved list of Jane King, Sheila Dilmore, Sheila French, and Judy Kadlec at a rate of \$8.00 per hour as needed, and

FURTHER RESOLVED the Town Board authorizes the Town Supervisor to hire temporary help as requested by the Town Clerk from the approved list of Deanne Williams and Virginia Mc Elroy at a rate of \$10.00 per hour as needed, and

FURTHER RESOLVED the Town Board appoints Pamela Kowulich, Suzanne Brinthaup, Mary Ann Balland, Merlyn Tiwari, Sheila Dilmore, Frances Decker, Deanne Williams, Judy Kadlec, Jane King, Jay Boudreau, and Debra Knoll as Receivers of Revenue for the Water Districts, and

MINUTES OF TOWN BOARD MEETING OF JUNE 23, 2004

RESOLUTION NO. 156-04, TEMPORARY STAFF SERVICES SALARIES AND
APPOINTMENT OF RECEIVERS OF REVENUE FOR WATER DISTRICTS APPROVED

RESOLVED that said authorizations shall take effect June 7, 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 157-04
SALARY INCREASE FOR PATRICIA HARTIGAN-HUTEN, RECREATION ATTENDANT
APPROVED

Resolution by: Fairbrother
Seconded by: Gardner

WHEREAS it has been determined that a merit increase is warranted for Patricia Hartigan-Huten, Recreation Attendant, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board approves a salary increase for Patricia Hartigan-Huten, Recreation Attendant, at the rate of \$8.00 per hour effective June 21, 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 158-04
PART-TIME SEASONAL LABORER CREATED AND APPOINTMENT APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS the Town Board has determined that a Laborer is necessary for the purposes of performing general grounds keeping work such as removing debris, raking leaves, mowing lawns, trimming shrubbery, and assisting in collection of rubbish and litter from the Municipal Complex, and

WHEREAS the Director of Recreation, Judith Zimmerman, recommends the Town Board appoint Andrew Stamp, 204 Meadowbrook Parkway East, Horseheads, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF JUNE 23, 2004

RESOLUTION NO. 158-04, PART-TIME SEASONAL LABORER CREATED AND APPOINTMENT APPROVED continued

BE IT THEREFORE RESOLVED the Town Board creates the position of part-time seasonal laborer for the purposes of performing general grounds keeping work such as removing debris, raking leaves, mowing lawns, trimming shrubbery, and assisting in collection of rubbish and litter from the Municipal Complex, and

FURTHER RESOLVED the Town Board appoints Andrew Stamp of 204 Meadowbrook Parkway East, Horseheads, as a part-time seasonal laborer, effective June 24, 2004 at the rate of \$7.50 per hour, subject to the review and approval of the Chemung County/City of Elmira Regional Civil Service Commission.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 159-04
REVOLVING LOAN FUND PROGRAM TO EMPIRE STORAGE LLC APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board had established a Committee for the purpose of reviewing applications presented for the Revolving Loan Fund, and

WHEREAS an application was received from Empire Storage LLC located at 83 Hammond Street for the purpose of applying for a loan, and

WHEREAS the Revolving Loan Fund Committee reviewed said application and provided a recommendation that the Town Board approve a loan, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board approves a loan from the Revolving Loan Fund to Empire Storage LLC in the amount of \$80,000.00 for a period of 10 years at an interest rate of 3% for the first year and 4% thereafter with an employment condition of 3 new employees, and

FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to execute any and all documents with Empire Storage LLC to complete such loan transaction, and

MINUTES OF TOWN BOARD MEETING OF JUNE 23, 2004

RESOLUTION NO. 159-04, REVOLVING LOAN FUND PROGRAM TO EMPIRE STORAGE LLC APPROVED continued

FURTHER RESOLVED the Town Supervisor is authorized to retain the services of Attorney John Mustico at a cost not-to-exceed \$350.00 with such cost being assessed against Empire Storage LLC in order to review the final loan documents due to the stated conflict of interest between the Attorney for the Town and his representation of Empire Storage LLC.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 160-04
PETTY CASH FUND FOR THE BIG FLATS COMMUNITY CENTER APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS the Town Board adopted Resolution No. 147-04 which determined that receivers of revenue would be required to collect the agreements and fees associated with the use of the Community Center, and

WHEREAS the Town Board appointed Suzanne Brinthaup and Judith Zimmerman as Receivers of Revenue for the Community Center, and

WHEREAS it has been determined that a petty cash fund needs to be established, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board establishes a petty cash fund for the Big Flats Community Center in the amount of \$50.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JUNE 23, 2004

RESOLUTION NO. 161-04
LEIGH ANN EVANS INTERIOR DESIGNS, INC. PREPAYMENT APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS the Town Supervisor requested, on June 11, 2004, the Bookkeeper complete a prepayment to Leigh Ann Evans Interior Designs, Inc. in the amount of \$1,612.50, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the prepayment, dated June 11, 2004, to Leigh Ann Evans Interior Designs, Inc. in the amount of \$1,612.50.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 162-04
2004 GENERAL FUND BUDGET AMENDMENTS APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Town of Big Flats has been receiving donations from various organizations to purchase furniture, equipment, and landscaping for the Community Center, and

WHEREAS due to these donations it is necessary to amend the 2004 General Fund budget, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board approves the Town Supervisor to authorize the Bookkeeper to make the necessary General Fund budget amendment, when necessary, as follows:

Increase Revenue A0980	A2705 (Donations & Gifts)	\$65,000.00
Increase Appropriation A0960	A1620.0200 (Buildings)	\$65,000.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JUNE 23, 2004

PROPOSED RESOLUTION NO. 163-04
BUDGET AMENDMENT FOR WATER DISTRICT #2 AND WATER DISTRICT #3
APPROVED

Resolution by: Frisbie
Seconded by: Gardner

RESOLVE the Town Board authorizes the following 2004 Budget amendments:

WATER DISTRICT #2

Decrease Reserve for Debt	S20884	\$7,656.59
Increase Appropriations	S20960	S29710.0600 (Serial Bond Principal) \$7,656.59, and

WATER DISTRICT #3

Decrease Reserve for Debt	S30884	\$3,281.41
Increase Appropriations	S30960	S39710.0600 (Serial Bond Principal) \$3,281.41

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 164-04
ABSTRACT OF AUDITED VOUCHERS FOR JUNE 2004 APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for June 2004, vouchers 1553 – 1654, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 40,747.45
HIGHWAY FUND	\$ 34,367.34
CAPITAL PROJECT #6	\$229,951.92
WATER DISTRICT #1	\$ 4,189.00
WATER DISTRICT #2	\$ 6,055.51
WATER DISTRICT #3	\$ 1,560.07
WATER DISTRICT #4	\$ 528.49
LIGHTING DISTRICT	\$ 645.72
TRUST & AGENCY	\$ 1,237.25

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

CORRESPONDENCE

Notice of Order – SR17(I86)/NYSDOT. A letter was received from New York State Department of Transportation, dated June 14, 2004, informing the Town Board portions of I86/Route 17 have been designated as 65 mph.

MINUTES OF TOWN BOARD MEETING OF JUNE 23, 2004

Surplus Property Request – Smith/NYSDOT. A letter was received from New York State Department of Transportation, dated June 3, 2004, written to Mr. Dick Smith of 22 Hibbard Road informing him that the portion of property he is requesting to purchase is awaiting development of the local and county transportation systems.

Snow Removal/Big Flats Postmaster. A letter was received from Rhonda Hendley, Postmaster of the Big Flats Post Office, dated June 15, 2004, asking the Town Board to contribute one-third of the amount towards snow removal for the Post Office Building. The lease will be further reviewed; however, it was the feeling of the Supervisor that the snow removal is the responsibility of the Post Office.

Liquor License Notification/Hong Lu – New China Inn Buffet Inc. A letter was received from Hong Lu, Manager of the New China Inn Buffet Inc. located in Consumer Square informing the Town Board that they are in the process of obtaining a liquor license for the purpose of serving wine and beer.

Liquor License Notification/The Crystal House Restaurant. A letter was received from Samuel Kemp II of The Crystal House Restaurant, dated June 17, 2004, informing the Town Board of their intention of renewing their liquor license.

Electronic Voting Machines/Voting Machine Service Center Inc. A letter was received from Dale Marshall, President of Voting Machine Service Center Inc., dated June 1, 2004, providing some updated information relative to the electronic voting machine miscounts and malfunctions in recent elections.

New Address/GVRPC, Inc. – Letchworth Development Corp. A notice was received from GVRPC, Inc. / Letchworth Development Corp. informing the Town Board that they have moved to a new location.

Soderblom Site/Fortuna Energy Inc. A notification of intention to commence natural gas well drilling operations was received from Fortuna Energy Inc., dated June 16, 2004, informing the Town Board of their intention to commence operations at Soderblom #1 located on Beers Hill Road in the Town of Big Flats.

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Kaner, to enter into Executive Session to discuss pending litigation, a particular personnel medical history, and change in title for an employee. All in favor, motion carried.

WATER BOARD

NEW BUSINESS

Water Operator II Job Classification. A letter has not been received from the CSEA relative to comments of the proposed reclassification of Mike Kent to Water Operator II; therefore, this item is tabled.

MINUTES OF TOWN BOARD MEETING OF JUNE 23, 2004

Supervisor Balland provided the Board with an update of the following:

- concerns have been raised regarding parks personnel rather than a union employee working during the hours of Community Days;
- Community Center opening has not been scheduled; however the Big Flats American Legion will be donating the flags with the color guard presentation for the grand opening ceremony;
- the Town Board donated a dinner for up to 12 people for the service auction held by Community Days and the winner was Dean Zimmerman – the Town Board needs to determine a date when this event can take place;
- the Custodians have been working and putting together some of the storage units; and
- Dimon & Bacorn Inc. have donated staffing to help in the moving of furniture and supplies to the Community Center.

The Town Board entered into Executive Session at 7:38 p.m.

Supervisor Balland reconvened the Town Board meeting at 8:27 p.m.

RESOLUTION NO. 165-04 SETTLEMENT OF THE LUBIN TAX CERTIORARI PROCEEDINGS APPROVED

Resolution by: Balland

Seconded by: Kaner

WHEREAS David Lubin, LCL Associates II, et al commenced tax certiorari proceedings for tax years 2002-2003 and 2003-2004 seeking a reduction of their tax assessments for each year for the listed properties as follows:

<u>Tax Id. No.</u>	<u>Assessment Amount</u>	<u>Reduced Amount Sought</u>
a.) 58.01-1-62.1	\$1,063,800	\$440,000
b.) 57.04-1-7.17	\$551,900	\$251,900

WHEREAS the parties have reached a tentative settlement of all such proceedings, subject to confirmation of the parties, as follows:

a. Tax Id. No's – 58.01-1-62.1

<u>Year</u>	<u>Proposed Settlement Amount</u>	<u>Reduction</u>	<u>Est. Refund</u>
2002	\$785,000	\$278,800	\$716.52
2003	\$785,000	\$278,800	\$786.21
		Total:	\$1,502.73

MINUTES OF TOWN BOARD MEETING OF JUNE 23, 2004

RESOLUTION NO. 165-04, SETTLEMENT OF THE LUBIN TAX CERTIORARI
PROCEEDINGS APPROVED continued

b. Tax Id. No's – 57.04-1-7.17

<u>Year</u>	<u>Proposed Settlement Amount</u>	<u>Reduction</u>	<u>Est. Refund</u>
2002	\$460,000	\$91,900	\$236.18
2003	\$460,000	\$91,900	\$259.16
Total:			\$495.34

WHEREAS this is a Type II administrative action under SEQRA and thus no further environmental review is necessary herein, and

WHEREAS the Assessor, David Briggs and the Attorney for the Town have reviewed and recommend said settlement, now

BE IT THEREFORE RESOLVED that the Town Board approves and authorizes the proposed settlement as more fully setforth above and hereby authorizes the Attorney for the Town to execute the applicable legal papers to effectuate the same with the corresponding refunds approved.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the meeting at 8:29 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF JULY 14, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Dean Frisbie
 Duane Gardner
 Leonard Kaner
 Clerk Teresa Dean

ABSENT: Council Edward Fairbrother
 Attorney Thomas Reed II

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

REPORTS.

The following reports for June 2004 are on file in the office of the Town Clerk:

Town Clerk's monthly report; Supervisor's fund balance report; Court monthly report; Building Department/Code Enforcement monthly report; Assessor's monthly report; Parks Commission minutes; Youth Commission minutes; SPCA and NYS Agriculture and Markets report for May and June; Department of Public Works monthly report.

Community Center Report – Judy Zimmerman stated the facility was officially open and today a picnic was held with the nutrition site.

Comprehensive Plan Review/Town Center Study – Chuck Coons stated interviews would be held with Laberge Group and Bergmann Associates to discuss and review their proposals for the Comprehensive Plan Review, along with the Town Center Study.

NOTE: Attorney Reed arrived at 4:37 p.m.

Supervisor Balland stated that a tour was conducted during the heavy rainstorm this afternoon and residents have expressed concerns with a portion of Carson Drive and Pine Circle. A meeting will be scheduled with those individuals to discuss their concerns and resolution.

Water District Extension – Larry Wagner stated that clarification concerning the County owned property in the vicinity of the Airport needed to be resolved prior to commencing the next step.

CONCERNS OF THE PEOPLE.

Mike Nicolo, 458 Sing Sing Road, asked what the status was with the water district extension. Attorney Reed stated the report is drafted and the final parcels are being clarified. Mr. Nicolo asked if the Community Center guidelines were on the web? Supervisor Balland stated not at this time; however, she will verify that this is being conducted. He also asked if anyone had questions regarding Community Days. There were no questions.

MINUTES OF TOWN BOARD MEETING OF JULY 14, 2004

Mr. Nicolo provided the Town Clerk with a Freedom of Information request to the Town Board regarding compliance with the New York State Department of Labor's Public Employee Safety and Health (PESH) program and OSHA. He requested the opportunity to inspect the documents relative to 29 CFR 1910.134 prior to the next Town Board meeting.

Robert Izzo, 29 Federal Heights Drive, stated that he intends on providing five propositions on the ballot at this general election and asked if it was true the Town Clerk and Attorney for the Town prepare the abstract for propositions? Attorney Reed stated that it was correct if they were appropriate referendums. Mr. Izzo asked if he should meet with Attorney Reed to make sure that these propositions are appropriate? Attorney Reed stated that he could not provide individual legal advice. Mr. Izzo asked rather than obtaining numerous signatures and not have the proposition valid, is there a way citizens can send a letter to the Town Board for you to review the proposition prior to obtaining signatures? Attorney Reed reiterated that he could not provide individual legal advice to citizens.

RESOLUTION NO. 166-04 HUNGERFORD CORPORATION CLAIMS, LEASING AND ACQUISITION OF COMMUNITY PARK APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS the Town and Hungerford Corporation have been actively litigating a lengthy condemnation proceeding concerning certain land adjacent to the Town Community Park, which also involved the leasing of the parkland prior to formal acquisition of such property, and

WHEREAS the parties have tentatively reached a settlement of all outstanding claims concerning such acquisition and lease in exchange for the payment of an additional flat sum of \$12,000.00, and

WHEREAS this is an administrative Type II action for purposes of SEQRA and thus no further environmental review is required herein, and

WHEREAS the Attorney for the Town, Thomas W. Reed II, recommends the approval of said settlement, now

BE IT THEREFORE RESOLVED that the Town Board hereby approves and authorizes the settlement of all claims regarding the acquisition, condemnation and past leasing of the former Hungerford Corporation lands near Community Park by way of payment of an additional sum of twelve thousand dollars (\$12,000.00) to Hungerford Corporation, and

FURTHER RESOLVED that the Town Supervisor is authorized to execute any and all documents to effectuate the same, upon the approval of the Attorney for the Town.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland

NAYS: None

ABSENT: Fairbrother

RESOLUTION NO. 167-04

MINUTES OF TOWN BOARD MEETING OF JULY 14, 2004

OFFER OF DEDICATION OF PARKLAND FROM MARY W. BARNES FOR TAX PARCEL
#47.04-2-2.1 APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS the Town has received a formal offer from Mary W. Barnes to dedicate a certain piece of real property owned by her in the vicinity of the intersection of Sing Sing Road and Chambers Road consisting of approximately 19.2260 acres, and

WHEREAS the Town has determined such parkland would serve the public good and provide further recreational opportunities to the Town's citizens, and

WHEREAS this is an unlisted action for purposes of SEQRA and the Town Board is hereby declared to be lead agency thereon with an uncoordinated review to be completed herein, and

WHEREAS upon review of a Short Form EAF, dated July 9, 2004, it is hereby determined that this proposed action will not have any significant adverse impact on the environment, now

BE IT THEREFORE RESOLVED that the Town Board hereby accepts the offer of dedication from Mary W. Barnes for Tax Parcel #47.04-2-2.1 on the terms and conditions proposed, and

FURTHER RESOLVED the Town Supervisor be authorized to execute any and all documents to effectuate the same, subject to the review and approval of the Attorney for the Town.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 168-04
HIGHWAY BUDGET AMENDMENT APPROVED

Resolution by: Balland
Seconded by: Kaner

RESOLVE the Town Board authorizes the following 2004 budget amendments:
HIGHWAY

Increase Estimated Revenue (D0510)	D2755 (Endowment & Trust Income)	\$15,000.00
Increase Est. Appropriation (D0960)	D5112.0400 (Street Maintenance)	\$15,000.00

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF JULY 14, 2004

RESOLUTION NO. 169-04
AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION
APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS the Town has committed and completed a certain Public Works project involving the repaving of Davenport Road, and

WHEREAS the Commissioner of Public Works has applied and received approval that said project qualified under the Multi-Modal #3 Program through NYS DOT for reimbursement, and

WHEREAS this is an administrative Type II action for purposes of SEQRA and as such no further environmental review is required herein, now

BE IT THEREFORE RESOLVED that the Town Board authorizes the Commissioner of Public Works to sign and complete the necessary agreement concerning said project and the Multi-Modal #3 Program.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

Supervisor Balland made a motion, seconded by Councilperson Kaner, to enter into Executive Session immediately following the Water Board portion of the meeting to discuss pending litigation. All in favor, except Councilperson Fairbrother was absent. Motion carried.

CORRESPONDENCE

Liquor License Renewal Notice/Willow Creek Golf Club Inc. A notice was received from Robert Adams, dated July 1, 2004, informing the Town Board of his intention of renewing the liquor license for Willow Creek Golf Club Inc. located at 3069 State Route 352.

Community Days-Awards/Mike Nicolo. A notice was received from Mike Nicolo providing a list of those who won the Big Flats Queen Pageant, parade prizewinners, and raffle winners.

Thank You Note-DPW/Roxanne & Ed Corbin. A note was received from Roxanne and Ed Corbin, dated June 16, 2004, thanking the Town for the wonderful new road – Ponderosa Drive.

Thank You Letter-Teresa Dean/Mike and Maureen Nicolo. A letter was received from Mike and Maureen Nicolo, dated July 4, 2004, on behalf of Big Flats Community Day, Inc. thanking Teresa Dean – Town Clerk for her assistance with the collection of event items, copying and completion of the necessary forms.

Thank You Letter-Town Council/Mike and Maureen Nicolo. A letter was received from Maureen Nicolo, dated July 4, 2004, on behalf of Big Flats Community Day, Inc. thanking the Town Council for their contribution to the Queens Pageant.

MINUTES OF TOWN BOARD MEETING OF JULY 14, 2004

Supervisor Balland temporarily suspended the Town Board meeting at 4:48 p.m. and convened the Water Board meeting.

WATER BOARD

NEW BUSINESS

RESOLUTION NO. 170-04

WATER OPERATOR II JOB CLASSIFICATION APPROVED

Resolution by: Balland

Seconded by: Frisbie

WHEREAS Mike Kent attended the Water Operator IIB course at Corning Community College, and

WHEREAS Mike Kent passed the Water Operator IIB Course and has received his certificate stating that he possesses the qualifications prescribed for a water system operator of a IIB-GW Treatment Plant, and

WHEREAS it is recommended by the Commissioner of Public Works and Water Supervisor to change the job title of Mike Kent to Water Operator II with associated pay increase, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the change of job title for Mike Kent to Water Operator II with associated pay increase to be effective July 5, 2004, the start of the present pay period, and contingent upon review and approval by the Attorney for the Town.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland

NAYS: None

ABSENT: Fairbrother

Supervisor Balland made a motion, seconded by Councilperson Kaner, to adjourn the Water Board meeting at 4:50 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Supervisor Balland reconvened the Town Board meeting and the Town Board entered into Executive Session at 4:50 p.m.

Supervisor Balland concluded the executive session at 5:15 p.m. Councilperson Frisbie made a motion, seconded by Councilperson Gardner, to adjourn the meeting at 5:16 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF JULY 28, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Edward Fairbrother
 Attorney Thomas Reed II
 Clerk Kim Seymour

ABSENT: Council Dean Frisbie
 Leonard Kaner

Supervisor Balland called the Town Board Meeting to order at 7:06 p.m. and requested participation in the Pledge of Allegiance.

PUBLIC HEARING 7:05 p.m. Proposed Local Law 3, 2004 – Dogs

Attorney Reed called the public hearing to order at 7:07 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on July 19, 2004, which would allow and consider public comments on the proposed Local Law 3, 2004 which would amend Title 6, Chapter 6.04.020, prohibiting unlicensed dogs when four months of age or older within the Town of Big Flats.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Attorney Reed closed the Public Hearing at 7:08 p.m. and turned the meeting back over to the Supervisor.

REPORTS

Supervisor Balland provided updated reports on the following:

- Water District Extensions–Supervisor Balland reviewed three Water District Extensions in process; Raymour & Flanagan, Sing Sing Road, and Barnes Hill.
- Roads – Supervisor Balland briefly summarized the concerns and situations with Belaire Drive, Pine Circle, and Carson Drive.
- The next meeting with Le Berge is August 6, 2004 at 11 a.m.
- Community Center – Supervisor Balland stated that the Community Center Building Dedication will be August 15th from 2-4 p.m. and the second open house will be August 29th from 2-4 p.m.
- Miller Cemetery received compliments via a letter and phone call.
- Supervisor Balland state that gas checks from Fortuna were received and will be deposited into reserve accounts for Water Districts 1 and 4.

- Mowing – lawn mowing at a vacant property will begin after the owner is notified, at a rate of \$50 per hour.

Don Gaylord, Highway Superintendent for the Town of Big Flats, explained that Reasor Hollow Road, Owen Hollow Road, Eacher Hollow Road, Breed Hollow Road, and Seeley Road sustained some damage due to the afternoon rain. Councilperson Fairbrother stated that the only road that was impassable was Eacher Hollow Road.

PUBLIC HEARING 7:10 p.m. Proposed Local Law 4, 2004 – Compensation

Attorney Reed called the public hearing to order at 7:11 p.m. The legal notice was duly published in the Elmira Star Gazette on July 19, 2004, which allowed and considered public comments on a proposed Local Law 4, 2004 which would amend Title 2, Chapter 2.24, providing compensation of Boards and Commissions as outlined in said law. Attorney Reed asked for comments.

IN FAVOR:	None
OPPOSITION:	None
COMMENTS:	None

Since there were no further comments, Attorney Reed closed the Public Hearing at 7:12 p.m. and turned the meeting back over to the Supervisor.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to approve the minutes of June 23, 2004 as presented. All in favor, motion carried.

Councilperson Gardner made a motion, seconded by Councilperson Fairbrother, to approve the minutes of July 14, 2004 as presented. All in favor, motion carried.

Supervisor Balland stated that Councilperson Frisbie and Councilperson Kaner had conflicts and were unable to attend the meeting.

CONCERNS OF THE PEOPLE

Gary Bernhardt, 809 Harris Hill Road, commented on the runoff problem on Halderman Hollow Road. He stated that when it rains water comes from the brick house to the right-hand side and it washes stones down and the water runs across the road and washes into the yards of the Easterbrook's. Mr. Bernhardt stated that there is a stream behind the house and a natural spring above that.

Donald Gaylord, Highway Superintendent for the Town of Big Flats, apologized for the fact that a month ago concerns were brought up by the Bernhardtts regarding trees on Halderman Hollow and originally he did not find the area of concern. However, a second investigation was conducted and Don stated that there is a concern that will have to be approached with the homeowner.

OLD BUSINESS

RESOLUTION NO. 171-04 AMENDMENT TO LOCAL LAW #3, 2004 APPROVED

Resolution by: Fairbrother
Seconded by: Gardner

WHEREAS the Town Board duly adopted Resolution No. 153-04 which established SEQRA determination and set a public hearing for the proposed amendment for Dogs of Title 6 of the Town of Big Flats Municipal Code, and

WHEREAS a Public Hearing was duly held on July 28, 2004, now

BE IT THEREFORE RESOLVED the Town Board adopts Local Law No. 3, 2004 titled Title 6 – Animals, Chapter 6.04 – Dogs, Section 6.04.020(F) – Prohibited acts, unlicensed when four months of age or older of the Town Municipal Code.

CARRIED: AYES: Gardner, Fairbrother, Balland
NAYS: None ABSENT: Frisbie, Kaner

RESOLUTION NO. 172-04 AMENDMENT TO LOCAL LAW #4, 2004, COMPENSATION OF BOARDS AND COMMISSIONS APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board duly adopted Resolution No. 154-04 which established SEQRA determination and set a public hearing for the proposed amendment for Compensation of Boards and Commissions of Title 2 of the Town of Big Flats Municipal Code, and

WHEREAS a Public Hearing was duly held on July 28, 2004, now

RESOLUTION NO. 172-04, AMENDMENT TO LOCAL LAW #4, 2004, COMPENSATION OF BOARDS AND COMMISSIONS APPROVED continued

BE IT THEREFORE RESOLVED the Town Board adopts Local Law No. 4, 2004, titled "A Local Law Amending Title 2 – Administration and Personnel, Chapter 2.24 – Compensation of Boards and Commissions" of the Town Municipal Code.

CARRIED: AYES: Gardner, Fairbrother, Balland
NAYS: None ABSENT: Frisbie, Kaner

RESOLUTION NO. 173-04
TOWN-WIDE COMPREHENSIVE PLAN UPDATE AND STRATEGIC PLAN FOR THE
TOWN CENTER AWARDED

Resolution by: Gardner
Seconded by: Fairbrother

WHEREAS the Town Board adopted Resolution No. 150-04 authorizing the Town Clerk to advertise for services of a consultant to perform a Comprehensive Plan Update and a Strategic Plan for the Town Center, and

WHEREAS said advertisement was published in the Elmira Star Gazette on June 16, 2004, and

WHEREAS bids were received and publicly opened on July 9, 2004 with the following bids received:

Laberge Group	\$77,250.00
Bergman Associates	\$103,115.00

WHEREAS a memo was received, dated July 19, 2004, from the Town of Big Flats Planning Board recommending the Town Board enter into an agreement with Laberge Group to assist the Town in the Comprehensive Plan Update and a Strategic Plan for the Town Center, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Laberge Group for the purposes of providing services of a consultant to perform a Comprehensive Plan Update and a Strategic Plan for the Town Center at a cost not-to-exceed Seventy Seven Thousand Two Hundred Fifty Dollars (\$77,250.00), contingent upon the review and approval of the Attorney for the Town.

CARRIED: AYES: Gardner, Fairbrother, Balland
NAYS: None ABSENT: Frisbie, Kaner

RESOLUTION NO. 174-04
BATH NATIONAL BANK CERTIORARI AUTHORIZED

Resolution by: Fairbrother
Seconded by: Gardner

WHEREAS Bath National Bank, et al. commenced an Article 78 proceeding challenging the tax assessment of 325 Daniel Zenker Drive in the Town of Big Flats, bearing caption “BNB, et al., v. Town of Big Flats”, Index No. 04-1240, and

WHEREAS the parties have reached a tentative settlement of all such proceedings by way of a letter from counsel for BNB dated June 18, 2004, a copy of which is duly filed with the Town Clerk, a summary of which is as follows:

- 1) In regard to any taxes due the Town to date, the Town of Big Flats shall receive a payment in the amount of \$10,000.00 in full payment thereof, representing an approximate 65% payment thereof;
- 2) The assessment on such property shall be set at \$3,500,000.00 and the petitioners shall be liable for all the taxes due thereafter imposed.

WHEREAS this is a type II administrative action under SEQRA and thus no further environmental review is necessary herein, and

WHEREAS the Assessor, David Briggs and the Attorney for the Town have reviewed and recommend said settlement, now

BE IT THEREFORE RESOLVED that the Town Board approves and authorizes the proposed settlement as more fully set forth above and hereby authorizes the Attorney for the Town to execute the applicable legal papers to effectuate the same with the corresponding refunds approved.

CARRIED: AYES: Gardner, Fairbrother, Balland
NAYS: None ABSENT: Frisbie, Kaner

NEW BUSINESS

RESOLUTION NO. 175-04
IKON OFFICE SOLUTIONS ANNUAL MAINTENANCE AGREEMENT APPROVED

Resolution by: Gardner
Seconded by: Faribrother

WHEREAS, due to the purchase of a new copier, the Canon C6551 copier has been moved to the Community Center, and

WHEREAS the Annual Maintenance Agreement expired on June 15, 2004 and a new agreement has been negotiated, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Ikon Office Solutions for the purposes of providing maintenance service on the Canon C6551 copier located at the Community Center at a cost not-to-exceed \$1,492.50, contingent upon the review and approval of the Attorney for the Town.

CARRIED: AYES: Gardner, Fairbrother, Balland
NAYS: None ABSENT: Frisbie, Kaner

RESOLUTION NO. 176-04
COMMUNITY CENTER CHANGE ORDER AUTHORIZED

Resolution by: Balland
Seconded by: Gardner

WHEREAS it is recommended by Larry Wagner and Teitsch-Kent-Fay Architects to approve the change order to supply and install an additional stone strip at the Community Center, and

WHEREAS a change order for said changes has been submitted by Welliver McGuire, Inc., and

WHEREAS the change order for labor and material for said change is not to exceed \$6,164.00, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

RESOLUTION NO. 176-04, COMMUNITY CENTER CHANGE ORDER AUTHORIZED
continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to sign the change order in the amount not to exceed \$6,164.00, to supply and install an additional stone strip at the Community Center.

CARRIED: AYES: Gardner, Fairbrother, Balland
NAYS: None ABSENT: Frisbie, Kaner

RESOLUTION NO. 177-04
CHECK VOID REQUEST AUTHORIZED

Resolution by: Fairbrother
Seconded by: Gardner

WHEREAS the Bookkeeper has informed the Town Board that check #000123, dated February 6, 2004, payable to New York State College Savings Program in the amount of \$50.00 has not been cashed, and

WHEREAS the 6 month cashing requirement period is approaching, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void check #000123, dated February 6, 2004, payable to New York State College Savings Program in the amount of \$50.00.

CARRIED: AYES: Gardner, Fairbrother, Balland
NAYS: None ABSENT: Frisbie, Kaner

RESOLUTION NO 178-07
BUDGET AMENDMENT AUTHORIZED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Supervisor has determined that an increase is necessary for the Debt Service Fund, and

WHEREAS in order to accumulate resources for future debt payments a budget amendment and fund balance reduction is necessary, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following:

From: Fund Balance	A0909	\$83,000	
To:	Transfer to Funds	A9901.0900	\$83,000

Debt Service Fund:

Increase Estimated Revenues – V0510 Interfund Transfer V5031	\$83,000
Increase Reserve for Debt – V0884	\$83,000

CARRIED: AYES: Gardner, Fairbrother, Balland
NAYS: None
ABSTAIN: None
ABSENT: Frisbie, Kaner

RESOLUTION NO. 179-04
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for July 2004, vouchers 1655 - 1804, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$104,060.23
HIGHWAY FUND	\$277,855.14
CAPITAL PROJECT #6	\$ 24,383.28
WATER DISTRICT #1	\$ 3,190.50
WATER DISTRICT #2	\$ 4,397.12
WATER DISTRICT #3	\$ 1,372.69
WATER DISTRICT #4	\$ 371.02
LIGHTING DISTRICT	\$ 645.72
TRUST & AGENCY	\$ 20,137.25

CARRIED: AYES: Gardner, Fairbrother, Balland
NAYS: None
ABSTAIN: None
ABSENT: Frisbie, Kaner

RESOLUTION NO. 180-04
CHEMUNG CANAL VISA BILL PAYMENT AUTHORIZED

Resolution by: Fairbrother
Seconded by: Gardner

WHEREAS in order to avoid unnecessary fees and interest it is determined that it is in the best interest of the Town to pay the Chemung Canal VISA account when it comes due, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Supervisor is hereby authorized to pay the Chemung Canal VISA account as it becomes due without prior approval of Town Board.

CARRIED: AYES: Gardner, Fairbrother, Balland
NAYS: None ABSENT: Frisbie, Kaner

RESOLUTION NO.181
CORNING INC. TAX CERTIORARI AUTHORIZED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS, CORNING INC. commenced tax certiorari proceedings for tax years 2000/01 through 2004/05 seeking a reduction of their tax assessments for each year for the listed properties as follows:

<u>Tax Id. No.</u>	<u>Assessment Amount</u>	<u>Reduced Amount Sought</u>
a.) 57.02-2-64.22	\$42,800.00	\$4,300.00
b.) 57.02-2-64	\$135,000.00	\$13,500.00
c.) 57.02-2-63	\$1,122,000.00	\$600,000.00
d.) 57.02-2-67.1	\$391,500.00	\$120,000.00
e.) 57.02-2-61	\$39,000.00	\$3,800.00
f.) 57.02-2-62	\$72,000.00	\$7,200.00
g.) 57.02-2-65 (Airport Rd./Sing Sing Rd.)	\$99,000.00	\$13,000.00

WHEREAS, Corning Inc. commenced tax certiorari proceedings for tax year 2004/05 under Index No. 03-1974 concerning tax parcel no. 57-02-2-67.1, (warehouse), seeking a similar reduction as set forth above, and

WHEREAS, the parties have reached a tentative settlement of all such proceedings, subject to confirmation of the parties, as follows:

a. Tax Id. Nos.: 57.02-2-64.22

<u>Year</u>	<u>Reduction</u>	<u>Est. Refund</u>
2000	\$0	\$0
2001	\$0	\$0
2002	\$0	\$0
2003	\$0	\$0
2004	\$0	\$0

Total: \$0

b. Tax Id. Nos.: 57.02-2-64

RESOLUTION NO.181, CORNING INC. TAX CERTIORARI AUTHORIZED continued

Year Reduction Est. Refund

2000	\$0	\$0
2001	\$0	\$0
2002	\$0	\$0
2003	\$0	\$0
2004	\$0	\$0

Total: \$0

c. Tax Id. Nos.: 57.02-2-63

Year Proposed Settlement Amount Reduction Est. Refund

2000	\$1,027,000.00	\$95,000.00	\$223.25
2001	\$1,027,000.00	\$95,000.00	\$236.55
2002	\$1,158,000.00	\$95,000.00	\$244.15
2003	\$1,158,000.00	\$95,000.00	\$267.90
2004	\$1,244,000.00	\$95,000.00	\$0 (*Including no refund for school taxes paid, if applicable)

Total: \$971.85

d. Tax Id. Nos.: 57.02-2-67.1

Year Reduction Est. Refund

2000	\$0	\$0
2001	\$0	\$0
2002	\$0	\$0
2003	\$0	\$0
2004	\$0	\$0

Total: \$0

e. Tax Id. Nos.: 57.02-2-61

Year Reduction Est. Refund

2000	\$0	\$0
2001	\$0	\$0
2002	\$0	\$0
2003	\$0	\$0
2004	\$0	\$0

Total: \$0

f. Tax Id. Nos.: 57.02-2-62

RESOLUTION NO.181, CORNING INC. TAX CERTIORARI AUTHORIZED continued

<u>Year</u>	<u>Reduction</u>	<u>Est. Refund</u>
2000	\$0	\$0
2001	\$0	\$0
2002	\$0	\$0
2003	\$0	\$0
2004	\$0	\$0

Total: \$0

g. Tax Id. Nos.: 57.02-2-65 (Airport Rd./Sing Sing Rd.)

<u>Year</u>	<u>Reduction</u>	<u>Est. Refund</u>
2000	\$0	\$0
2001	\$0	\$0
2002	\$0	\$0
2003	\$0	\$0

Total: \$0

WHEREAS tax certiorari proceeding under Index No. 03-1974 shall be discontinued with prejudice, and

WHEREAS, this is a type II administrative action under SEQRA and thus no further environmental review is necessary herein, and

WHEREAS, the Assessor, David Briggs and the Attorney for the Town have reviewed and recommend said settlement, now

BE IT THEREFORE RESOLVED that the Town Board approves and authorizes the proposed settlement as more fully set forth above and hereby authorizes the Attorney for the Town to execute the applicable legal papers to effectuate the same with the corresponding refunds approved.

CARRIED: AYES: Gardner, Fairbrother, Balland
NAYS: None ABSENT: Frisbie, Kaner

CORRESPONDENCE

Carson Drive Concerns/T. Hall. A letter was received from Thomas Hall, dated July 17, 2004, raising concerns with the repaving of Carson Drive in respect to his property.

Carson Drive Concerns/T. Giambrone. A letter was received from Thomas F. Giambrone, dated July 12, 2004, expressing drainage problems he has had since the resurfacing of Carson Drive.

Surplus Auction/Auctions International Inc. A letter was received, dated July 19, 2004, thanking the Town for choosing their company along with a statement of account from the auction.

Appreciation Letter – Mary W. Barnes. A letter, dated July 21, 2004, was sent to Mrs. Mary Barnes thanking her for her donation of land to the town.

Small Claims Assessment Petitions were received from the following:

George & Helen Rose, 610 Hillingdon Way, Horseheads
Robert F. Izzo, 29 Federal heights Drive, Horseheads
Barbara Raeder, 67 Suburban Drive, Elmira
Joseph Merola & Mary Tarantelli, 189 Forest Hills Drive,
Horseheads
Mark & Kathleen Watts, 2866 State Route 352, Elmira

Notice of Petition – Tax Certioraris were received from the following:

Barnes & Nobles #2825
Corning Incorporated (WH)
Corning Incorporated (AP)
Arnot Realty Corporation
Arnot Realty Corporation and General Mills Restaurants, Inc.

Notice of Intent/Chemung ARC. A letter was received from Michael A. Doherty, dated July 16, 2003, informing the Town Board of their interest and intent to establish a community residential home at 18 Alpine Place in the Town of Big Flats.

Route 352 Parking Restriction/NYSDOT. A letter was received from Gary Funk, dated June 16, 2004, informing the Town that NYSDOT will install “No parking” signs in the vicinity of the parkland along State Route 352.

Conflicts of Interest- NY Planning Federation. An article, by Drayton Grant, Esq., was submitted entitled “Conflicts of Interest for Planning Board Members”.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the meeting at 7:32 p.m.

Date approved: _____ Kim Seymour
Deputy Town Clerk

MINUTES OF TOWN BOARD MEETING OF AUGUST 11, 2004

PRESENT: Supervisor Mary Ann Balland
Council Duane Gardner
Dean Frisbie
Edward Fairbrother
Leonard Kaner
Attorney Thomas Reed II
Clerk Teresa Dean

Supervisor Balland called the Town Board Meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

REPORTS

The following reports for July 2004 are on file in the office of the Town Clerk:

Town Clerk's monthly report; Supervisor's fund balance report; Court monthly report; Building Department/Code Enforcement monthly report; Assessor's monthly report; Parks Commission minutes; SPCA monthly report; Community Center; Department of Public Works monthly report.

Supervisor Balland providing the following reports:

- A dedication ceremony will take place on Sunday – August 15, 2004 at 2:00 p.m.;
- Our trucks exceeded the weight limit for one of the bridges on Leach Hill Road; therefore, the roadwork cannot not be completed at this time;
- The concerns regarding Lew Storch Road have been addressed;
- A site visit will take place with a couple of property owners on Pine Circle regarding a drywell;
- Jeff Murray of the Star Gazette had called regarding whether or not the wooden bridge would be closed on Kahler;
- The contract with the SPCA will expire December 31, 2004; therefore, they will be forwarding a new contract;
- Water District #3 proposed extension letters of interest are being received; and
- LaBerge Group had come to meet with the department supervisors and provided us with a Committee Member's Questionnaire.

Councilperson Fairbrother reported that with the recent rain the drywell concerns and repairs on Ponderosa Drive have been corrected.

Councilperson Frisbie reported the Community Center Board had met and thanked Tom Reed for his time and assistance with the meeting. The Community Center Board will need guidance from the Town Board regarding what is a Town sponsored activity and should there be fees for Town sponsored activities. After a brief discussion, it was concluded that the Community Center and Town Boards should have a joint meeting.

CONCERNS OF THE PEOPLE. None.

MINUTES OF TOWN BOARD MEETING OF AUGUST 11, 2004

OLD BUSINESS

RESOLUTION NO. 182-04

LETTER OF CONFIRMATION FROM FORTUNA ENERGY INC. APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS the Town Board adopted Resolution No. 319-02 authorizing the Town Supervisor to sign an Oil and Gas Lease with Pennsylvania General Energy Corp. (known as Fortuna Energy, Inc.), and

WHEREAS in accordance with said Lease, Fortuna Energy Inc. has informed the Town by means of a letter, dated July 20, 2004, that they have formed a voluntary unit for the Soderblom well, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the letter of confirmation with Fortuna Energy Inc. acknowledging that the Town is in receipt of their letter, dated July 20, 2004 regarding the formation of a voluntary unit for the Soderblom well.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 183-04

FUEL ISLAND CONTROL SYSTEM CHANGE ORDER APPROVED

Resolution by: Kaner

Seconded by: Fairbrother

WHEREAS it is recommended by Larry Wagner and Teitsch-Kent-Fay Architects to approve the change order to supply and install wiring and grounding for the fuel island control system, and

WHEREAS a change order for said changes has been submitted by GVE, Inc., and

WHEREAS the change order for time and material for said change is not to exceed \$5,500.00, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

MINUTES OF TOWN BOARD MEETING OF AUGUST 11, 2004

RESOLUTION NO. 183-04, FUEL ISLAND CONTROL SYSTEM CHANGE ORDER
APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to sign the change order for time and material in the amount not to exceed \$5,500.00, for wiring of the fuel island control system and grounding of the fuel tanks.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

NEW BUSINESS

RESOLUTION NO. 184-04
KLEE TIMBER HARVESTING APPROVED

Resolution by: Balland
Seconded by: Gardner

WHEREAS a Timber Harvesting Application has been received from Christopher J. Klee to harvest approximately 39,400 board feet of timber from approximately 102.5 acres of land, Tax Parcel #77.00-1-33, and

WHEREAS the Town Board finds this action to be an Unlisted Action under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will consist of a select cut of timber.
2. The timber harvesting may only occur between October 1, 2004 and April 30, 2005.
3. Disturbed areas including skid trails, haul roads, and the landing area will be smoothed on completion of the logging operation and seeded with rye grass, as needed.
4. Diversion ditches and water bars as required will be installed to prevent erosion.

BE IT THEREFORE RESOLVED the application for a Timber Harvesting Permit submitted by Christopher J. Klee be approved as follows:

1. The Timber Harvesting will be permitted only during the period of October 1, 2004 through April 30, 2005.
2. The hauling of logs is not to occur any earlier than 8:00 a.m. or after 9:00 p.m. on any day that public schools are in session.
3. The logging operation, as proposed, will involve trucks using State Route 352 west to Route 17/Interstate 86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield.
4. Harris Hill Road shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and will be cleaned when required by the Code Enforcement Officer as a result of inspections he may perform.

MINUTES OF TOWN BOARD MEETING OF AUGUST 11, 2004

RESOLUTION NO. 184-04, KLEE TIMBER HARVESTING APPROVED continued

5. A performance bond or certified check in the amount of \$2,100.00 must be posted with the Town Clerk prior to beginning the timber harvesting operation. The bond or check will be returned upon the satisfactory completion of all logging operations, compliance with the condition of this resolution, and a final inspection of the timber harvesting site by the logger involved, Foresters, the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.
6. The logger shall obtain and file proof of Vehicle, General Liability Insurance, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and property damage of \$250,000 for logging operations with the Code Enforcement Officer at least two business days prior to commencing any work. Said proof of insurance must name the Town of Big Flats as additional insured and be approved by the Town Attorney prior to the commencement of work.
7. As work progresses, the logger shall install diversion ditches and/or water bars as necessary to prevent soil erosion on haul roads, skid trails, and at the landing area.
8. Upon completion of the logging operation, all skid trails, roads and landing areas shall be graded and seeded with rye grass as needed.
9. Upon completion of the harvesting activity, reclamation of the site shall be performed by the logger. Haul roads shall have water bars placed at the following intervals:

ROAD GRADE	SPACING IN FEET
2-5%	300-500 FT.
6-10%	200-300 FT.
11-15%	100-200 FT.
16 & GREATER	100 FT.

10. The logger shall notify the Code Enforcement Office within five days of completion to coordinate on-site inspections.
11. The logging site shall be subject to periodic inspections by the Code Enforcement Officer and Chemung County Soil and Water Conservation Service representatives at any time during the course of the operation. These inspections will be done during the normal working hours of the logger.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF AUGUST 11, 2004

RESOLUTION NO. 185-04
ATTORNEY FOR THE TOWN TO DEFEND THE TOWN FOR COMMERCIAL TAX
CERTIORARIS APPROVED

Resolution by: Fairbrother
Seconded by: Gardner

WHEREAS the Town of Big Flats has received a Tax Certiorari for assessments for commercial properties, and

WHEREAS said properties consist of but not limited to Arnot Realty, Bottcher's Landing, Steven Coons, and General Mills property, and

WHEREAS representation of said petitions is outside the general employment parameters for the Attorney for the Town, and

WHEREAS the administration and management of Town personnel is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board appoints Thomas Reed II, Attorney for the Town, to represent the Town of Big Flats in defense for the Article 7 of Real Property Tax Law of the Assessments – Petition at the rate of \$90.00 per hour, which is outside the general employment parameters.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

CORRESPONDENCE

Appreciation – Miller Cemetery/Leavenworth. A letter was received from Richard and Jean Leavenworth, dated July 22, 2004, informing the Town that the mowing of Miller Cemetery this year has been in excellent condition

Appreciation – Community Center/Big Flats American Legion. A letter was written to Big Flats American Legion, dated July 28, 2004, thanking them for their donation of flags and participation/flag raising ceremony.

Appreciation – Community Center/Outback Steakhouse. A letter was written to Outback Steakhouse, dated July 28, 2004, thanking them for array of “Tucker” for the Community Center open house.

Abandoned House Concerns/Albertalli. A letter was received from Steve Albertalli, dated July 28, 2004, informing the Town Supervisor of a house owned by Doug Clark located in Fawn Acres that is essentially abandoned and has high grass and a pool that is a breeding area for mosquitoes.

MINUTES OF TOWN BOARD MEETING OF AUGUST 11, 2004

Road Concerns – Lew Storch Road/McMaster. A letter was received from Roy McMaster, of Fiscal Advisors and Marketing, Inc., dated July 29, 2004, stating his home/office is located at 265 Lew Storch Road and informed the Town Board of the condition of Lew Storch Road and it's ignored maintenance problems.

Schweizer Aircraft Proposal/STEG. A letter was received from George Miner, President of Southern Tier Economic Growth, dated July 15, 2004, requesting the Town Loan Committee consider a loan proposal from Schweizer Aircraft.

Financial Statement as of December 31, 2003/STEG. A letter was received from Tara Cofone, Business Manger of Southern Tier Economic Growth, dated August 2, 2004, providing the Town Board with a copy of the 2003 Financial Statements.

Small Claim Petitions. Small Claims Assessment Petitions were received from the following: Richard and Marcia Hudock, JoAnn Spallone, Kenneth & Sue Ann Wood, and John and Jacquelyn Chotkowski

Assessment – Notice of Petition. Notice of applications for Notice of Petition were received from Bottcher's Landing and Steven Coons.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session at 5:10 p.m. to discuss a particular personnel matter. All in favor. Motion carried.

Supervisor Balland reconvened the Town Board meeting at 5:18 p.m.

Councilperson Kaner made a motion, seconded by Councilperson Fairbrother, to adjourn the meeting at 5:18 p.m. All in favor. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF AUGUST 25, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Dean Frisbie
 Edward Fairbrother
 Leonard Kaner
 Attorney Thomas Reed II
 Clerk Teresa Dean

Supervisor Balland called the Town Board meeting to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to approve the minutes of July 28, 2004 as presented. All in favor, except Councilperson Kaner abstained. Motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Fairbrother, to approve the minutes of August 11, 2004 as presented. All in favor. Motion carried.

REPORTS

Supervisor Balland reported that September 22, 2004 there will be a meeting with Laberge Associates and the proposed committee for the comprehensive plan update.

CONCERNS OF THE PEOPLE

Robert Thorborg, 135 Hillview Drive, thanked Mike Nicolo for all of his work and time for a job well done with Community Days.

OLD BUSINESS

RESOLUTION NO. 186-04 BIG FLATS HISTORICAL SOCIETY SERVICES

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS Big Flats Historical Society has provided valuable services to the Town of Big Flats and its residents by way of researching, reporting and sharing historical data of the Town, and

WHEREAS in recognition of said services Big Flats Historical Society should be compensated for such information and the time associated with compiling the same, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF AUGUST 25, 2004

RESOLUTION NO. 186-04. BIG FLATS HISTORICAL SOCIETY SERVICES continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to pay \$1,000.00 to the Big Flats Historical Society.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 187-04
SURPLUS AND ADVERTISEMENT OF THESE ITEMS FOR SALE APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS the Commissioner of Public Works recommends the following items be declared as surplus:

- 1990 GMC 1-ton dump truck (green)
- Portable truck bed fuel tank
- 4 - weed whackers (1 Echo, 1 JD, 2 Homelite)
- 4 – Homelite chainsaws
- 2 metal desks
- 2 metal filing cabinets (2-drawer)
- 1 wood laminate conference table

WHEREAS, for environmental review purposes, the surplus of equipment is a Type II Action for the purposes of SEQRA and as such, no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board declare the aforementioned items as surplus, as recommended by the Commissioner of Public Works, and authorizes the Town Clerk to advertise these items for sale.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 188-04
SILICON CARBIDE REVOLVING LOAN FUND APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board had established a Committee for the purpose of reviewing applications presented for the Revolving Loan Fund, and

WHEREAS an application was received from Silicon Carbide located in Airport Corporate Park for the purpose of applying for a loan, and

MINUTES OF TOWN BOARD MEETING OF AUGUST 25, 2004

RESOLUTION NO. 188-04, SILICON CARBIDE REVOLVING LOAN FUND APPROVED
continued

WHEREAS the Revolving Loan Fund Committee reviewed said application and provided a recommendation that the Town Board approve a loan, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board approves a loan from the Revolving Loan Fund to Silicon Carbide in the amount of \$200,000.00 for a period of 15 years at an interest rate of 3.5% for the first five-years and 4% thereafter with the first year payments being interest only and the remaining term with equal payments, and

FURTHER RESOLVED the condition of 7 new employees within five years with cost borne by the applicant, and

FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to execute any and all documents with Silicon Carbide to complete such loan transaction contingent upon the review and approval by Attorney for the Town.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 189-04
RAYMOUR & FLANIGAN PREPAYMENT APPROVED

Resolution by: Gardner
Seconded by: Frisbie

RESOLVE the Town Board authorizes a prepayment to Raymour & Flanigan in the amount of \$518.50 for the purpose of purchasing furniture for the Community Center.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF AUGUST 25, 2004

RESOLUTION NO. 190-04
WATER DISTRICTS 2 AND 4 BUDGET AMENDMENTS APPROVED

Resolution by: Frisbie
Seconded by: Fairbrother

WHEREAS the Town Board entered into a lease with Fortuna Energy, Inc. which included lands in Water Districts #2 and #4, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget amendment:

Water District #2

Increase Estimated Revenues S20510	\$1142.40
Increase Capital Improvement Reserve S20878	\$1142.40

Water District #4

Increase Estimated Revenues S40510	\$8880.00
Increase Capital Improvement Reserve S40878	\$8880.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 191-04
ABSTRACT OF AUDITED VOUCHERS FOR AUGUST 2004 APPROVED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for August 2004, vouchers 1805 - 1922, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 77,725.17
HIGHWAY FUND	\$ 18,684.95
CAPITAL PROJECT #6	\$252,111.18
WATER DISTRICT #1	\$ 3,978.05
WATER DISTRICT #2	\$ 31,785.94
WATER DISTRICT #3	\$ 30,312.03
WATER DISTRICT #4	\$ 4,919.52
LIGHTING DISTRICT	\$ 645.72
TRUST & AGENCY	\$ 1,315.73

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF AUGUST 25, 2004

CORRESPONDENCE

Appreciation for Support/Environmental Emergency Services, Inc. A letter was received from the Environmental Emergency Services, Inc., dated August 4, 2004, thanking the Town for the 2004 appropriations for supporting the flood warning, Chemung hazard training, and national flood insurance information.

Appreciation for Support/Collateral Source Bill. A letter was received from Barry Schwartz of the Law Department of the Office of the Corporation Counsel of the City of New York, dated July 21, 2004, thanking the Town Board for their support of the Collateral Source Bill.

Small Claims Assessment Petitions – Miller Trust. A petition for Small Claims Assessment Review was received from Miller Trust, Aaron Miller Trustee.

Notice of Petition – Tax Certiorari – NYSEG. A notice of petition was received from New York State Electric and Gas Corporation for review and reduction of the assessment on special franchise property.

Notice of Claim – Failure to Protect, Violation of Citizen's Rights, Negligence/B.Miller. Memorandums were received from Bruce Miller, dated August 16, 2004, informing the Town that he intends to institute any and all legal actions against the Town Supervisor for failure to protect his rights as a citizen, the Town Assessor for inappropriate, unprofessional, antagonistic and threatening actions, and the Town for negligence in its duty to protect the rights of a citizen.

Franchise Fees/Time Warner Cable. A letter was received from Time Warner Cable – Peter Ritz, Vice President Finance, dated August 11, 2004, along with a check in the amount of \$10,595.46 for the second quarter franchise fees.

Final State Equalization Rate/NYS ORPS. A notice was received from the State Board of Real Property Services certifying that the Final State Equalization Rate for the 2004 Assessment Roll for the Town of Big Flats is 100%.

Fine Revenue Disbursement/Association of Towns. A letter was received from the Association of Towns, dated August 12, 2004, informing the Town that new legislation has been passed that will reduce the fine revenue distribution to local municipalities.

Mandatory Training/Town of Horseheads. A letter was received from Michael Edwards – Town Supervisor for the Town of Horseheads, dated July 28, 2004, inviting Town of Big Flats representatives to participate in a training of individuals to evaluate employees on September 21, 2004 from 8:00 a.m. to 12:00 noon.

Since there was no further business to come before the Town Board, Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn this portion of the meeting at 7:17 p.m. All in favor, motion carried.

MINUTES OF TOWN BOARD MEETING OF AUGUST 25, 2004

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 7:17 p.m.

NEW BUSINESS

RESOLUTION NO. 192-04

WATER DISTRICT NO. 1 EXTENSION PUBLIC HEARING APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS a petition for an extension to Water District No. 1 has been presented and filed with the Town Board on or about July 30, 2004, and

WHEREAS the boundaries of the proposed extension to said district are set forth and described in the following:

All that tract or parcel of land situate in the Town of Big Flats, County of Chemung, State of New York, all as shown on a plan entitled "Water District No. 1 Extension of 2004", prepared by Stantec Consulting Group, Inc., dated June 2004, having Drawing No. 1879003 SK-1 and being more particularly bounded and described as follows:

Beginning at a point of intersection of the Town line dividing the Town of Big Flats to the west and the Town of Horseheads to the east and the southerly right-of-way line of Colonial Drive (County Road 74) as established by Parcel II of lands Conveyed to the County of Chemung in Fiche 893 of Deeds, Page 12; thence

1. Southerly, along said Town line, a distance of 197 feet, more or less, to a point at the southeasterly corner of Tax Parcel 58.03-1-1.7, said point also being located on the northerly right-of-way of New York State Route 17 / Interstate 86; thence
2. Westerly, along the southerly boundary of said tax parcel 58.03-1-1.7, a distance of 387 feet, more or less, to a point on the easterly line of lands conveyed to the County of Chemung as Parcel 1 per the aforementioned Fiche 893 of Deeds, Page 12; thence
3. Northwesterly, along the easterly line of said Parcel 1, a distance of 402 feet, more or less, to a point; thence
4. Westerly, through Parcel 1, a distance of 142 feet, more or less, to a point of intersection with the westerly line of Parcel 1, said point also being located on the easterly boundary of Tax Parcel 58.03-1-31; thence
5. Northwesterly, along the westerly line of said Parcel 1, a distance of 169 feet, more or less, to a point on the southerly right-of-way of said Colonial Drive; thence

MINUTES OF TOWN BOARD MEETING OF AUGUST 25, 2004

RESOLUTION NO. 192-04, WATER DISTRICT NO. 1 EXTENSION PUBLIC HEARING
continued:

6. Northwesterly, along the southerly right-of-way line of said Colonial Drive, a distance of 773 feet, more or less, to a point intersecting the westerly boundary of Tax Parcel 58.03-1-33; thence
7. Northerly, along the westerly boundary of said Tax Parcel 58.03-1-33, a distance of 36 feet, more or less, to a point on the southerly right-of-way line of said Colonial Drive, said point also being on the southerly line of the existing Big Flats Water District No. 1; thence
8. Southeasterly, along said southerly line of the existing Big Flats Water District No. 1, a distance of 104 feet, more or less, to a point; thence
9. Northerly, along said existing Big Flats Water District No. 1 and through Colonial Drive, a distance of 48 feet, more or less, to the northerly right-of-way line of Colonial Drive; thence
10. Southeasterly, along said existing Big Flats Water District No. 1 and said northerly right-of-way line of Colonial Drive, a distance of 740 feet, more or less, to the westerly boundary of Tax Parcel 58.03-1-28.1; thence
11. Easterly, along said northerly right-of-way line of Colonial Drive, a distance of 824 feet, more or less, to a point on the Town line dividing the Town of Big Flats to the west and the Town of Horseheads to the east; thence
12. Southerly, along said dividing line and through said Colonial Drive, a distance of 97 feet, more or less, to the Point or Place of beginning.

Subject to any easements or encumbrances of record.

WHEREAS a map, plan and report detailing said extension accompanied said petition, dated July 30, 2004, entitled "Petition for Extension of Town Water District" for the Raymour Flanigan property of the Big Flats Water District No. 1, Revision #1, prepared by Stantec Consulting Group Inc., a copy of which is on file with the Town Clerk; and

WHEREAS the improvements proposed consist of the construction of a water system serving said proposed extension said proposed extension area at the approximate locations and in the manner set forth and described in said map, plan and report, and

WHEREAS the maximum amount proposed to be expended for such improvement is \$0; the estimated cost of hook up fees is \$0 and the estimated cost of the extension to the typical property and, if different, the typical one or two family home, \$0, and

MINUTES OF TOWN BOARD MEETING OF AUGUST 25, 2004

RESOLUTION NO. 192-04, WATER DISTRICT NO. 1 EXTENSION PUBLIC HEARING continued:

WHEREAS no financing is necessary to complete such improvement, and

WHEREAS the above action is an Unlisted action for the purposes of SEQRA, with the Town of Big Flats Town Board hereby being declared the lead agency thereon; and

WHEREAS the Town will make a determination if the implementation of the subject action will result in any significant adverse impact on the environment upon the completion of the public hearing set herein; and

THEREFORE NOW BE IT RESOLVED pursuant to Town Law Section 193 that the Town Board of the Town of Big Flats shall meet at the Town Hall, located at 476 Maple Street, Town of Big Flats, on the 8th Day of September 2004, at 4:33 o'clock P.M. for the purpose of conducting a public hearing on the proposal to extend Water District No. 1 as specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby ordered and authorized to publish a copy of this Order in the official paper for the Town, as required and provided for by law, and

BE IT FURTHER RESOLVED that the Town Clerk shall file a certified copy of this order with the State Comptroller's Office as required and provided by law.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

Supervisor Balland reported that the proposed Water District #2 extension engineering reports are near completion and it is anticipated that there will be a proposal to set a public hearing within the next month.

The Barnes Hill Road area water district extension proposal is continuing and the Commissioner of Public Works is in the process of obtaining proposals for the completion of a map, plan and report.

The Board briefly discussed Whitney Park and the proposal of having test bores to consider a portion of this property as a potential well site and Supervisor Balland also stated that the Parks Commission is considering the construction of a walking path.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn this portion of the meeting at 7:30 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD WORKSHOP OF SEPTEMBER 8, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Dean Frisbie
 Edward Fairbrother
 Leonard Kaner
 Clerk Teresa Dean

ABSENT: Attorney Thomas Reed II

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

Supervisor Balland explained that the Concerns of the People are being moved to the end of the Agenda.

REPORTS

The following reports for August 2004 are on file in the office of the Town Clerk:

Town Clerk's monthly report; Building Department/Code Enforcement monthly report; Assessor's monthly report; Youth Commission minutes; Parks Commission minutes; SPCA monthly report; Department of Public Works monthly report.

PUBLIC HEARING: 4:33 P.M.

WATER DISTRICT NO. 1 EXTENSION
PROPOSAL BY RAYMOUR & FLANIGAN

Supervisor Balland called the public hearing to order at 4:33 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on August 28, 2004, which would allow and consider public comments relating to the extension of Town of Big Flats Water District No. 1 in the vicinity of the Raymour & Flanigan property.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:34 p.m.

NEW BUSINESS

MINUTES OF TOWN BOARD WORKSHOP OF SEPTEMBER 8, 2004

RESOLUTION NO. 196-04
PUBLIC HEARING FOR PROPOSED LOCAL LAW 5, 2004, TOWN OF BIG FLATS
PLANNING BOARD LAW APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Planning Board adopted Resolution No. P80-2004 recommending the Town Board create the position of an alternative Planning Board member, and

WHEREAS the Town Law Section 271 (15) (a) permits the Town Board to appoint, by resolution, an alternative member to the Planning Board to substitute for a regular members of the Planning Board in the event such regular member is unable to participate in matters before the Planning Board because of a conflict of interest, illness or other absence, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing for October 13, 2004 at 4:33 p.m. to hear comments regarding proposed Local Law No. 5 of 2004 titled "Town of Big Flats Planning Board Law".

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION 197-04
2005 TENTATIVE BUDGET WORKSHOPS APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has determined that budget workshops are needed for the purpose of reviewing said proposal 2005 Tentative Budget, and

WHEREAS, this is a Type II administrative action under SEQRA and thus no further environmental review is necessary.

NOW BE IT THEREFORE RESOLVED the Town Board sets special meeting for the purpose of reviewing the proposal 2005 Tentative Budget for September 21, 2004 and September 23, 2004 at 4:00 p.m.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD WORKSHOP OF SEPTEMBER 8, 2004

RESOLUTION NO. 198-04
PREPAYMENT TO THE BIG FLATS WATER DEPARTMENT APPROVED

Resolution by: Kaner
Seconded by: Gardner

RESOLVE the Town Board authorizes a prepayment to the Water Department in the amount of \$150.00 for the purpose of replenishing the petty cash used for New York State Southern Tier training on September 15, 2004 and New York Rural Water Association training on September 24, 2004.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

Supervisor Balland noted that a meeting needed to be held to discuss Kahler Road.

CORRESPONDENCE

Purchasing Council Meeting/CC Purchasing Department. A letter was sent from Betsy Morrissey of the Chemung County Purchasing Department, dated August 30, 2004, stating that a purchasing council meeting will be held on Tuesday – September 28, 2004 at 1:00 p.m.

Liquor License Notification/Lums Restaurant. A notice was received from Lums Restaurant, dated August 20, 2004, informing the Town of their intention to renew their liquor license.

SCAR Decisions of Hearing. Notices were received from Gust Freeman, Hearing Officer for Small Claims Assessment Review, regarding decisions made on those reviews for the Smithers', Reynolds', and Watts'.

ECTC Long Range Plan/Bergmann Associates. A letter was received from Tanya Mooza Zwahlen, Transportation Planner for Bergmann Associates, dated August 27, 2004, stating that a meeting will be held on September 30, 2004 to be held at the Community Center to provide an update of the long range transportation plan.

NYS Mine File – Airport/NYS DEC. A notice was received from New York State Department of Environmental Conservation, dated August 20, 2004, regarding the renewal and modification of the mining permit for the Elmira-Corning Regional Airport.

Suburban Acres Update. A letter was sent to residents of Suburban Acres, dated August 27, 2004, updating them of the development at the end of Suburban Drive.

Pine Circle Road Concerns/J. Pirozzolo. A letter was received from Joyce Pirozzolo of 96 Pine Circle, dated August 24, 2004, regarding pothole(s) in Pine Circle. Supervisor Balland stated that this area has been repaired.

MINUTES OF TOWN BOARD WORKSHOP OF SEPTEMBER 8, 2004

Kahler Road/G. Hall. A letter was received from Geraldine Hall, dated August 24, 2004, stating that it does make sense to close off Kahler Road and recommends that Kahler Road bridge needs to be improved, not closed.

Grant Writing Course/JET. A notice was received from the Village of Horseheads, dated August 17, 2004, information the Town Board of a grant-writing course being offered at their facility by JET and stated that there are seats available if the Town would like to consider sending attendees.

Councilperson Gardner made a motion, seconded by Councilperson Fairbrother, to adjourn the Town Board meeting at 4:36 p.m. All in favor, motion carried.

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 4:36 p.m.

OLD BUSINESS

RESOLUTION NO. 199-04

WATER DISTRICT NO. 1 EXTENSION TO RAYMOUR & FLANIGAN APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS, a petition dated July 30, 2004, was duly presented to the Town with the necessary map, plan and report attached thereto according to law, requesting that an extension to Water District No. 1, as hereinafter described, be established in the Town, and

WHEREAS, the Town Board duly adopted Resolution No. 192-04 at its regularly scheduled meeting on August 25, 2004, that recited in general terms the filing of said petition; set forth the boundaries of the proposed district extension, the improvements proposed and the estimated expenses associated therewith and that further specified September 8, 2004 at 4:33 p.m. as the time, and the Town Hall in the Town of Big Flats as the place, where the Town Board would meet to consider a Resolution to approve the extension of Water District No. 1 and to hear all persons interested in the subject thereof, concerning the same, and

WHEREAS, such Order and Notice of Hearing was duly posted and published as required by law, and is otherwise sufficient, and

WHEREAS, a hearing in the matter was duly held by the Board on this September 8, 2004, commencing at 4:33 p.m. at the Town Hall in the town and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, and

MINUTES OF TOWN BOARD WORKSHOP OF SEPTEMBER 8, 2004

RESOLUTION NO. 199-04, WATER DISTRICT NO. 1 EXTENSION TO RAYMOUR & FLANIGAN APPROVED continued

WHEREAS, the Town hereby determines upon review of the Short EAF dated July 30, 2004, accompanying said map, plan and report that this is an unlisted action for purposes of SEQRA; that the Town Board declares itself lead agency herein; that coordinated review is unnecessary and that the proposed action herein does not have a significant adverse impact upon the environment for purposes of SEQRA.

BE IT THEREFORE RESOLVED AND DETERMINED, that (a) the aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient (b) the Notice of Hearing was published and posted as required by law, and is otherwise sufficient; (c) all the property and property owners within the proposed district extension are benefited thereby; (d) all the property and property owners benefited are included within the limits of the proposed district extension; and (e) it is in the public interest to grant in whole the relief sought, and

FURTHER RESOLVED, that the establishment of the proposed extension to Water District No. 1, as proposed, be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for, and shall be bounded and described as more fully set forth in the map, plan and report, entitled "District Extension Report for the Raymour Flanigan property of the Big Flats Water District No. 1", Revision #1, prepared by Stantec Consulting Group, Inc., dated June 2004, a copy of which is on file with the Town Clerk, and

FURTHER RESOLVED, that the proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses shall be financed as follows: No financing required as there is no costs to the Water District associated with this extension, and

FURTHER RESOLVED, that the Town Clerk of this Town shall within ten days after the adoption of this Resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York, and the Office of the Chemung County Clerk in Elmira, NY pursuant to Town Law §194.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the Water Board meeting at 4:37 p.m. All in favor, motion carried.

TOWN BOARD

Supervisor Balland reopened the Town Board meeting at 4:37 p.m.

MINUTES OF TOWN BOARD WORKSHOP OF SEPTEMBER 8, 2004

CONCERNS OF THE PEOPLE.

Robert Izzo, 29 Federal Heights Drive, stated that 2 – 3 years ago the Town passed a resolution to eliminate the job of elected Highway Superintendent to create the position of Commissioner of Public Works/Superintendent of Highways and it appears that this position was not created. Supervisor Balland requested Mr. Izzo place his concern in writing.

Mike Nicolo, 458 Sing Sing Road, stated that he had e-mailed a letter to the Town Supervisor and requested that the letter be addressed as a correspondent.

Supervisor Balland stated that the weather report appears to be better for tomorrow with an anticipated 1 to 2 inches.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the Board meeting at 4:42 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD WORKSHOP OF SEPTEMBER 21, 2004

PRESENT:	Supervisor	Mary Ann Balland
	Council	Duane Gardner
		Edward Fairbrother
		Leonard Kaner
	Clerk	Teresa Dean
ABSENT:	Council	Dean Frisbie
	Attorney	Thomas Reed

Supervisor Balland called the Special Town Board Workshop to order at 4:00 p.m.

The Town Board proceeded with the review of the general fund portion of the proposed 2005 budget.

NOTE: Councilperson Gardner was excused at 5:30 p.m.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into executive session at 6:15 p.m. to discuss a particular personnel matter. All in favor, except Councilpersons Gardner and Frisbie were absent. Motion Carried.

Supervisor Balland reconvened the workshop at 6:34 p.m.

Since there was no further business to come before the Board, Supervisor Balland adjourned the meeting at 6:34 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 22, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Leonard Kaner
 Attorney Thomas Reed II
 Clerk Teresa Dean

ABSENT: Council Edward Fairbrother
 Dean Frisbie

Supervisor Balland called the Town Board meeting to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

MINUTES

Supervisor Balland made a motion, seconded by Councilperson Kaner, to approve the minutes of August 25, 2004 as presented. All in favor, except Councilpersons Fairbrother and Frisbie were absent. Motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of the Special Workshop of September 3, 2004 as presented. All in favor, except Councilpersons Fairbrother and Frisbie were absent. Motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of the Special Workshop of September 7, 2004 as presented. All in favor, except Councilpersons Fairbrother and Frisbie were absent. Motion carried.

Councilperson Gardner made a motion, seconded by Councilperson Kaner, to approve the minutes of September 8, 2004 as presented. All in favor, except Councilpersons Fairbrother and Frisbie were absent. Motion carried.

Councilperson Gardner made a motion, seconded by Supervisor Balland, to approve the minutes of the Special Workshop of September 8, 2004 as presented. All in favor, except Councilpersons Fairbrother and Frisbie were absent. Motion carried.

REPORTS

Supervisor Balland provided reports regarding the following issues:

- Library status;
- Budget workshops and announced that the meeting scheduled for September 23, 2004 has been cancelled;
- Cold Storage building painting will commence September 22, 2004;
- Water District #3 extension process has begun;
- Water District #2 map, plan and report are complete and is tentatively scheduled for setting a public hearing at the next Town Board meeting;
- Oil/Stone of Kneale and Beers Road will commence this week; and
- LaBerge will be holding a meeting on September 23, 2004 at 6:00 p.m. to meet with the proposed comprehensive study committee.

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 22, 2004

CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, asked what class of Town we were? Supervisor Balland stated that Big Flats was not a Class 1 Town. Mr. Nicolo asked if the rumor was true that the Town plans to disinter the graves next to the new proposed park? Supervisor Balland stated that the Town has no plan. Also, Mr. Nicolo pointed out that discussion of salaries was not a reason for going into Executive Session. Last, Mr. Nicolo stated that three petitions had been submitted to the Town Board and the Town rejected these petitions. After speaking with the office of the Attorney General, Dennis Mc Kaig suggested he ask what the Town's basis was for denying these petitions to be placed on the ballot. Attorney Reed stated that there were no legal bases for placing the petitions on the ballot.

Jane King, 15 Kelley Drive, asked if a library tax district was created, would the County still continue to collect taxes under their line item and would the Town continue to make a contribution? Supervisor Balland stated that the taxing district is new and at this time she is not sure of the process; however, recommended that Mrs. King contact Doty Hoos who is on that Board.

Mike Nicolo, 458 Sing Sing Road, asked if everyone was at 100% assessment. Supervisor Balland stated that the entire County was not at 100%.

NEW BUSINESS

RESOLUTION NO. 200-04

SUPPORTING THE RESTORATION OF TRAFFIC FINE REVENUE APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS Vehicle and Traffic Law, §1803 governs the disposition of fines and penalties collected in connection with convictions pursuant to the Vehicle and Traffic Law, and

WHEREAS Chapter 56 of the Laws of 2004, effective August 20, 2004, changed the distribution of the fines taking them away from municipalities and placing them in the State Treasury, and

WHEREAS this change in the fine and penalties distribution formula will result in a loss to local taxpayers of more than \$20 million in fine monies – monies which have historically been used to fund justice court operations, and

WHEREAS the Town of Big Flats will likely lose \$10,000.00 in anticipated fine revenues, and

WHEREAS this State Budget provision with its immediate effective date will result in significant 2004 deficits and will negatively impact town property tax rates for 2005, now

BE IT THEREFORE RESOLVED the Town of Big Flats calls for the restoration of the original fine distribution formula in order to provide towns with necessary revenues to fund justice court operations, and

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 22, 2004

RESOLUTION NO. 200-04, SUPPORTING THE RESTORATION OF TRAFFIC FINE
REVENUE APPROVED continued

FURTHER RESOLVED the Town of Big Flats urges the passage of legislation introduced by Senator Bonacic (S.7757) and Assemblyman Cahill which amends the Vehicle and Traffic Law to restore this source of revenue to local governments, and

FURTHER RESOLVED that a copy of this resolution be sent to Governor George E. Pataki; Joseph L. Bruno, Majority Leader of the Senate; Sheldon Silver, Speaker of the Assembly; Senator Elizabeth Little, Chair of the Local Government Committee; Assemblyman Robert Sweeney, Chair of the Local Government Committee; Senator Owen Johnson, Chair of the Finance Committee; Assemblyman Herman D. Farrell Jr., Chair of the ways and Means Committee; Senator John A. DeFrancisco, Chair of Judiciary Committee; Assemblywoman Helene E. Weinstein, Chair Judiciary Committee; Assemblyman George H. Winner, Jr.; and Senator John R. Kuhl, Jr.

CARRIED: AYES: Gardner, Kaner, Balland

NAYS: None

ABSENT: Fairbrother, Frisbie

RESOLUTION NO. 201-04
ASSESSMENT BOARD OF REVIEW APPOINTMENT APPROVED

Resolution by: Balland

Seconded by: Kaner

WHEREAS the appointment term of Jane King to the Board of Assessment Review expires on September 30, 2004, and

WHEREAS Mrs. King has expressed interest to be reappointed to said committee, and

WHEREAS the administration and management of Town personnel is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Jane King to the Board of Assessment Review with a term ending September 30, 2009.

CARRIED: AYES: Gardner, Kaner, Balland

NAYS: None

ABSENT: Fairbrother, Frisbie

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 22, 2004

RESOLUTION NO. 202-04
SURPLUS DECLARATION APPROVED

Resolution by: Gardner
Seconded by: Balland

WHEREAS the Commissioner of Public Works recommends a 10" Tradesman Table Saw be declared as surplus, and

WHEREAS, for environmental review purposes, the surplus of equipment is a Type II Action for the purposes of SEQRA and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Commissioner of Public Works, authorizes the Town Clerk to advertise these items for sale.

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None ABSENT: Fairbrother, Frisbie

International Truck Purchase Request. This item was removed from the Agenda.

RESOLUTION NO. 203-04
WEILER MAPPING AGREEMENT APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS the Town has received a written proposal from Weiler Mapping for an Internet Map Server (IMS) viewer for a Geographic Information System (GIS) program for a cost of \$750.00; and

WHEREAS the GIS program will provide on-line data for the Town such as roads, zoning, flood maps, water line locations, for use in planning, assessing, and management and maintenance of Town infrastructure; and

WHEREAS the Attorney for the Town has approved said proposal, now

BE IT THEREFORE RESOLVED that the contract with Weiler Associates be approved for the IMS viewer for a cost not to exceed \$750.00.

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None ABSENT: Fairbrother, Frisbie

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 22, 2004

RESOLUTION NO. 204-04
AUTHORIZING CHECKS INCORRECTLY CODED TO BE VOIDED AND REISSUED

Resolution by: Balland
Seconded by: Gardner

WHEREAS two vouchers in the August abstract were incorrectly coded, and

WHEREAS said vouchers must be voided and recoded in order to issue said payments, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void check number 1527 payable to Wilson Rental Center in the amount of \$600.00 and issue a check to Wilson Restaurant Equipment for the same amount, and

FURTHER RESOLVED the Town Board authorizes the Bookkeeper to void check number 1465 payable to Finger Lakes Supply in the amount of \$149.50 and issue a check to Finger Lakes HVAC&R for the same amount.

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None ABSENT: Fairbrother, Frisbie

RESOLUTION NO. 205-04
PREPAYMENT TO THE CHEMUNG COUNTY SHERIFFS' DEPARTMENT APPROVED

Resolution by: Kaner
Seconded by: Gardner

RESOLVE the Town Board authorizes a prepayment to the Chemung County Sheriffs' Department in the amount of \$19.60 for processing fees dated September 17, 2004.

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None ABSENT: Fairbrother, Frisbie

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 22, 2004

RESOLUTION NO. 206-04
ABSTRACT OF AUDITED VOUCHERS FOR SEPTEMBER 2004 APPROVED

Resolution by: Kaner
Seconded by: Balland

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for September 2004, vouchers 1923 - 2071, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$150,395.15
HIGHWAY FUND	\$ 61,889.59
CAPITAL PROJECT #6	\$ 62,287.26
WATER DISTRICT #1	\$ 4,125.81
WATER DISTRICT #2	\$ 5,110.53
WATER DISTRICT #3	\$ 1,954.65
WATER DISTRICT #4	\$ 292.23
LIGHTING DISTRICT	\$ 645.72
TRUST & AGENCY	\$ 1,237.25

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None ABSENT: Fairbrother, Frisbie

RESOLUTION NO. 207-04
WINTER T.A.F.F.Y. STAFF APPROVED

Resolution by: Gardner
Seconded by: Kaner

WHEREAS the Town Board received a memo from the Youth Commission, dated September 20, 2004, recommending the appointment of certain individuals for Winter T.A.F.F.Y., and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints the following as Winter T.A.F.F.Y. employees for the period from October 1, 2004 through April 15, 2005:

Chris Drake	28 Green Valley Drive, Big Flats	\$6.75/hour
Jessica Frisbie	51 Cayuga Drive, Horseheads	\$6.75/hour
Craig Mullen	20 Antler Drive, Big Flats	\$5.50/hour
Chad Sozanski	810 Harris Hill Road, Elmira	\$5.50/hour

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None ABSENT: Fairbrother, Frisbie

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 22, 2004

CORRESPONDENCE

Liquor License Renewal Notice/El Monte Inn. A notice was received from Joe McGrane, owner of El Monte Inn, dated September 9, 2004, informing the Town of their intentions of renewing their liquor license.

Liquor License Renewal Notice/Carlson Restaurants Worldwide. A notice was received from Tosha Hervey, Paralegal – Liquor Compliance, dated September 1, 2004, informing the Town of their intentions of renewing the liquor license for T.G.I. Friday's.

Steele Field Zoning Concerns/Davenport Forest & Oakfield Neighborhood Association, Inc. A copy of a letter written to the Town of Corning Planning and Town Board, dated August 23, 2004, was received from the Davenport Forest and Oakfield Neighborhood Associates, Inc. regarding the rezoning proposal for the area west of Oakfield Forest.

Misplaced Thanks/M. Nicolo. A notice was received from Mike Nicolo, dated August 26, 2004, stating that he appreciates Mr. Thorborg's comment of thanks for Community Days; however, believes the thanks was misplaced on him and it should be given to the entire group.

Councilperson Gardner made a motion, seconded by Councilperson Kaner, to adjourn the Town Board portion of this meeting at 7:23 p.m. All in favor, except Councilpersons Fairbrother and Frisbie were absent. Motion carried.

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 7:23 p.m.

NEW BUSINESS

RESOLUTION NO. 208-04

WATER DISTRICT #2 SPECIAL ASSESSMENT PUBLIC HEARING APPROVED

Resolution by: Balland

Seconded by: Gardner

WHEREAS Water District #2 has incurred capital expenses for various capital improvements for the district in the past; and

WHEREAS Water District No. 2 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements; and

WHEREAS the 2005 Special Assessment roll for Water District #2 has been completed, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 22, 2004

RESOLUTION NO. 208-04, WATER DISTRICT #2 SPECIAL ASSESSMENT PUBLIC HEARING APPROVED continued

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT THEREFORE RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the 2005 Special Assessment Roll for Water District #2 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 13, 2004, at 4:35 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Gardner, Kaner, Balland

NAYS: None

ABSENT: Fairbrother, Frisbie

RESOLUTION NO. 209-04
WATER DISTRICT #3 SPECIAL ASSESSMENT PUBLIC HEARING APPROVED

Resolution by: Balland

Seconded by: Kaner

WHEREAS Water District #3 has incurred capital expenses for various capital improvements for the district in the past; and

WHEREAS Water District No. 3 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements; and

WHEREAS the 2005 Special Assessment roll for Water District #3 has been completed, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT THEREFORE RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the 2005 Special Assessment Roll for Water District #3 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 13, 2004, at 4:37 p.m. local time, and

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 22, 2004

RESOLUTION NO. 209-04, WATER DISTRICT #3 SPECIAL ASSESSMENT PUBLIC HEARING APPROVED continued

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None

ABSENT: Fairbrother, Frisbie

RESOLUTION NO. 210-04
WATER DISTRICT #4 SPECIAL ASSESSMENT PUBLIC HEARING APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS Water District #4 has incurred capital expenses for various capital improvements for the district in the past; and

WHEREAS Water District No. 4 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements; and

WHEREAS the 2005 Special Assessment roll for Water District #4 has been completed, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT THEREFORE RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the 2005 Special Assessment Roll for Water District #4 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 13, 2004, at 4:39 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None

ABSENT: Fairbrother, Frisbie

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 22, 2004

RESOLUTION NO. 211-04
WATER DEPARTMENT FEE SCHEDULE AMENDMENT APPROVED

Resolution by: Gardner

Seconded by: Kaner

WHEREAS, the Big Flats Water Board has previously adopted, by resolution, a fee schedule for the Big Flats Water Department, and

WHEREAS, under Town Code Chapter 13.04.080 the Big Flats Water Board shall establish and may amend from time to time by resolution said fee schedule as deemed appropriate and necessary, and

WHEREAS, it is necessary, from time to time, to update said Water Department Fee Schedule, and

WHEREAS, for environmental review this is a Type II Administrative Action for the purposes of the State Environmental Quality Review Act (SEQRA), with the Town of Big Flats Town Board hereby being declared the lead agency, and that it requires no further environmental review, now

BE IT THEREFORE RESOLVED the Town Board amends the Fee Schedule to include a \$175.00 service charge for delinquent accounts levied on the Tax Roll,

AND FURTHER RESOLVED the Town Board adopts the following Fee Schedule for the Big Flats Water Department:

BIG FLATS WATER DEPARTMENT
FEE SCHEDULE – 2004

<u>ITEM DESCRIPTION</u>	<u>FEE</u>
Minimum Annual Line Charge, per meter, <u>included</u> in minimum water charge	\$40.00
Transfer/Turn On Fee (new owner or lessee)	\$35.00
Disconnect Fee	\$45.00
Water Application Fee- In district only (new service installation, residential and commercial):	\$75.00
Hydrant Fee, temporary use	\$50.00
Water Usage Rate for Hydrants:	per 1,000 gallons \$ 5.00
Inspection Fees	As established in Local Law #4 of 1996
Water Main Shut-off, for private repairs	\$75.00
Shut off at Curb Box for repairs	\$25.00
Shut Off for non-payment	First Offense \$50.00
	Each Subsequent Offense, an additional \$50.00

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 22, 2004

RESOLUTION NO. 211-04, WATER DEPARTMENT FEE SCHEDULE AMENDMENT APPROVED continued

Water Taps (up to 2") on Mains			Actual Parts & Labor
Water Taps (over 2") on Mains			\$150.00
(Administrative Fee Only, customer responsible for tap and all associated costs.)			
Meter Installation			Actual Parts & Labor
Meter Removal			\$65.00
Meter Replacement due to damage			Actual Parts & Labor
Meter Testing Fee (by customer request)			\$50.00
Water Rates Per District			
District 1:	Quarterly-	Includes up to 10,000 gallons	\$45.00
		every 1,000 gallons over 10,000 gallons	\$ 3.53
	Monthly-	Includes up to 4,000 gallons	\$17.00
		every 1,000 gallons over 4,000 gallons	\$ 3.53
District 2 and 3:	Quarterly-	Includes up to 10,000 gallons	\$28.75
		every 1,000 gallons over 10,000 gallons	\$ 1.65
	Monthly-	Includes up to 4,000 gallons	\$12.00
		every 1,000 gallons over 4,000 gallons	\$ 1.65
District 4:	Quarterly-	Includes up to 10,000 gallons	\$28.75
		every 1,000 gallons over 10,000 gallons	\$ 2.65
Private Fire Protection, Annual Fees			
Sprinkler Systems:		4" Main	\$37.50
		6" Main	\$56.25
		8" Main	\$75.00
		10" Main	\$93.75
		12" Main	\$112.50
Per Yard Hydrant			\$75.00
Administrative Fees:			
Returned Check Fee			\$25.00
Per record fee for CCSD billing			\$0 .75
Penalties:		One time penalty of 10% of outstanding balances	
Service Charge:		Delinquent Accounts put on Tax Roll	\$175.00
Capital Charges:	An annual charge to cover annual debt service payments. Shown on the Tax Bill as WD242, WD243 or WD244, depending on Water District.		

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 22, 2004

RESOLUTION NO. 211-04, WATER DEPARTMENT FEE SCHEDULE AMENDMENT
APPROVED continued

Criteria used to determine property eligibility for debt responsibility:

- The property must be located within the meets and bounds of the District description.
- The property must have access to a Town water main. Access includes having a water main on either side of the road adjacent to the property.
- Vacant parcels are included.
- Apartment and commercial buildings will be assessed one (1) unit per building. If more than one meter is present in building, assessment will be total number of meters.

CARRIED: AYES: Gardner, Kaner, Balland

NAYS: None

ABSENT: Fairbrother, Frisbie

RESOLUTION NO. 212-04
MOODY & ASSOCIATES TO PERFORM EXPLORATORY DRILLING APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS the Commissioner of Public Works and the Water Department Supervisor have determined the potential need for a future well, and

WHEREAS Moody and Associates has proposed to perform up to three test borings at a location determined by the Town for an amount not to exceed \$15,000, and

WHEREAS for environmental review purposes, this is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (18) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to execute a contract, subject the review and approval of the Attorney for the Town, with Moody and Associates to perform up to three test borings for an amount not to exceed \$15,000.00.

CARRIED: AYES: Gardner, Kaner, Balland

NAYS: None

ABSENT: Fairbrother, Frisbie

Since there was no further business to come before the Board, Councilperson Gardner made a motion, seconded by Councilperson Kaner, to adjourn the meeting at 7:27 p.m. All in favor, except Councilpersons Fairbrother and Frisbie were absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

TOWN OF BIG FLATS

AGENDA

SPECIAL TOWN BOARD MEETING

TUESDAY, SEPTEMBER 21, 2004 at 4:00 P.M.

Call to Order

Budget Workshop

AGENDA

SPECIAL TOWN BOARD MEETING

THURSDAY, SEPTEMBER 23, 2004 at 4:00 P.M.

Call to Order

Budget Workshop

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

PRESENT:	Supervisor	Mary Ann Balland
	Council	Duane Gardner
		Dean Frisbie
		Edward Fairbrother
		Leonard Kaner
	Attorney	Thomas Reed
	Clerk	Teresa Dean

Supervisor Balland called the Town Board meeting to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

PUBLIC HEARING 4:33 p.m. Proposed Local Law 5, 2004 – Alternate Planning Board Member

Attorney Reed called the public hearing to order at 4:33 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on October 4, 2004, which would allow and consider public comments on the proposed Local Law 5, 2004 that establishes a Planning Board for the Town of Big Flats.

IN FAVOR:	None
OPPOSITION:	None
COMMENTS:	None

Since there were no further comments, Attorney Reed closed the Public Hearing at 4:34 p.m..

PUBLIC HEARING: 4:35 P.M. Water District No. 2 Special Assessment

Attorney Reed called the Public Hearing to order at 4:35 p.m. and read the legal notice published in the Elmira Star Gazette on October 3, 2004, with further notice being provided to the affected Water District users directly via mailings, which allowed and considered public comments on the 2004 Special Assessment for Water District #2.

IN FAVOR: None

OPPOSITION: Ele Sullivan, 483 Hickory Grove Road, stated that the quality of the water is not adequate and furthermore, the water pressure to their house is very low. Attorney Reed stated the Commissioner of Public Works would review the pressure issues.

Jane King, 15 Kelley Drive, asked if the bond would be paid off in eight (8) years. Supervisor Balland concurred.

Millard Batsford, 27 Brookside Circle, asked if the special charge would be placed on the next quarterly bill? Attorney Reed explained that this is a special assessment charge that would be placed as a separate line item on the tax bill.

Ralph Gould, 32 Winters Road, asked if the difference in the charge from last year was \$2.83 increase? Supervisor Balland concurred.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

PUBLIC HEARING: 4:35 P.M. Water District No. 2 Special Assessment continued

COMMENTS: None.

Since there were no further comments, the Public Hearing was closed at 4:40 p.m.

PUBLIC HEARING: 4:35 P.M. Water District No. 3 Special Assessment

Attorney Reed called the Public Hearing to order at 4:40 p.m. and read the legal notice published in the Elmira Star Gazette on October 3, 2004, with further notice being provided to the affected Water District users directly via mailings, which allowed and considered public comments on the 2004 Special Assessment for Water District #3.

IN FAVOR: None

OPPOSITION: Dick Babcock, 50 Retirement Drive, asked if the Water District No. 3 bond would be paid off in eight years? Supervisor Balland stated that the re-metering portion of the bond would; however, there is a USDA loan that will continue.

Ms. Sullivan, 483 Hickory Grove, asked if the amount of the re-metering portion of their debt was the same dollar amount as Water District No. 2? Attorney Reed stated that the amount of charge is based on the number of customers in the district; therefore, the dollar amount would be different.

COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 4:42 p.m.

It is noted that the opposition expressed by Ms. Ele Sullivan during the Water District No. 2 Special Assessment were duly met for Water District No. 3 due to the fact that Ms. Sullivan resides in Water District No. 3.

PUBLIC HEARING: 4:39 P.M. Water District No. 4 Special Assessment

Attorney Reed called the Public Hearing to order at 4:42 p.m. and read the legal notice published in the Elmira Star Gazette on October 3, 2004, with further notice being provided to the affected Water District users directly via mailings, which allowed and considered public comments on the 2004 Special Assessment for Water District #4.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 4:43 p.m.

Supervisor Balland stated that the re-metering bond for Water District No. 3 will be paid off in 2012 and the USDA loan will be 2020. Water District #4 bond will be paid off in 2027.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

CONCERNS OF THE PEOPLE

Steve Teets, 10 Farr Lane, expressed his concerns with the traffic on County Route 64 and the lack of response from New York State regarding a reduction of speed and increased traffic control. Supervisor Balland expressed that the Town has requested speed limit investigations for this area; however, since it is a County road she recommended Mr. Teets speak with Tim Von Neida of the Chemung County Department of Public Works. She also stated that the Town would also contact Mr. Von Neida to discuss further speed limit investigations request for this vicinity. Councilperson Fairbrother also requested that Mr. Teets contact his County Legislative representatives for that area.

Mike Nicolo, 458 Sing Sing Road, asked if the Town Board anticipated any expense request for Community Days? Supervisor Balland stated that the Town would like to install a walking path in Whitney Park; however, a cost has not been determined.

Ele Sullivan, 483 Hickory Grove Road, stated that there is a lack of agencies that will remove dead animals along the roadside. Councilperson Frisbie stated that due to hazard concerns, a deer would be removed from the roadway; however, the animals are not removed for disposal. Millard Batsford, 27 Brookside Circle, also expressed his concern that people with no training, specifically a private individual is being asked to dispose of dead animals without the benefit of any training and/or assistance. Councilperson Frisbie stated that the advice he has been given is to dispose of the animal with a mixture of water and chlorine.

REPORTS

The following reports for September 2004 are on file in the office of the Town Clerk:

Town Clerk's monthly report; Supervisor's Fund Balance Report for August and September; Justice Court monthly report; Building Department/Code Enforcement monthly report; Community Center; Assessor's monthly report; Youth Commission minutes; Parks Commission minutes; SPCA monthly report; Department of Public Works monthly report.

Supervisor Balland also provided an update of meeting regarding the Town Comprehensive study that will be held by representatives from Laberge:

- October 22, 2004 – morning meeting followed by individual interviews and meetings;
- October 23, 2004 – meeting with the Town Center Committee and a tour of the Hamlet;
- November 18, 2004 – meeting with the committee and at 7:00 p.m. a community meeting.

NEW BUSINESS

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

RESOLUTION NO. 213-04

LOCAL LAW #5, 2004 - TOWN OF BIG FLATS PLANNING BOARD APPROVED

Resolution by: Fairbrother

Seconded by: Gardner

WHEREAS the Town Board duly adopted Resolution No. 196-04 which established SEQRA determination and set a public hearing for the proposed Local Law 5, 2004 titled "Town of Big Flats Planning Board Law", and

WHEREAS a Public Hearing was duly held on October 13, 2004, now

BE IT THEREFORE RESOLVED the Town Board adopts Local Law No. 5, 2004 titled "Town of Big Flats Planning Board Law".

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 214-04

PREPAYMENT TO SAM'S CLUB APPROVED

Resolution by: Kaner

Seconded by: Fairbrother

RESOLVED the Town Board authorizes a prepayment in the amount of \$147.59 to Sam's Club for Community Center supplies.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 215-04

PREPAYMENT TO HILTON GARDEN INN – SARATOGA SPRINGS APPROVED

Resolution by: Kaner

Seconded by: Gardner

RESOLVED the Town Board authorizes a prepayment in the amount of \$338.00 to the Hilton Garden Inn Saratoga Springs for the New York State Court Clerk's Conference.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

RESOLUTION NO. 216-04
MEMORANDUM OF UNDERSTANDING WITH RSVP APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS the Town of Big Flats has previously obtained the services of Retired and Senior Volunteer Program (RSVP) of Chemung County, and

WHEREAS the Town Board feels that it is necessary to continue the services of RSVP, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Memorandum of Understanding with RSVP.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 217-04
VEHICLE REPAIR SPECIAL USE PERMIT AT 334 SING SING ROAD PUBLIC HEARING
APPROVED

Resolution by: Frisbie
Seconded by: Gardner

WHEREAS Donald Yearick, has submitted an application to the Planning Board to permit vehicle repairs at property located at 334 Sing Sing Road, and

WHEREAS the property contains 0.677 acres, is triangular in shape, and has been used for vehicle repair and is presently vacant, and

WHEREAS the property is located in the Airport Business Development (ABD) district approximately 500 feet east of Airport Road, and

WHEREAS vehicle repair is a permitted use in the ABD district with approval of the Planning Board and Special Use Permit approval of the Town Board, and

WHEREAS this Board granted Special Use Permit approval August 13, 2003, for an auto component installation company, namely Wicked Werx, and the business has since ceased operation, and the proposed business is deemed to be different in operation and requires a new Special Use Permit to commence operation, and

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

RESOLUTION NO. 217-04, VEHICLE REPAIR SPECIAL USE PERMIT AT 334 SING SING ROAD PUBLIC HEARING APPROVED continued

WHEREAS for environmental review this is an Unlisted Action and the Planning Board intends to be Lead Agency and as such is completing the review and making determination as to the significance of environmental impact, and

WHEREAS a Public Hearing is required for any action of a Special Use Permit, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing for October 27, 2004, at 7:03 p.m. or as soon thereafter as possible to allow and consider comments on the proposed Special Use Permit submitted by Donald Yearick.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 218-04
OIL AND GAS LEASE WITH FORTUNA ENERGY, INC. FOR REYNOLDS PARK
PROPERTY APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town of Big Flats has been approached by Fortuna Energy, Inc. for the purpose of providing an Oil and Gas Lease for property owned by the Town of Big Flats, and

WHEREAS said lease would be for a primary term of five (5) years, and

WHEREAS the Town Board has been requested to provide Oil and Gas Leases for property on or near Reynolds Drive and Groff Road, also known as Reynolds Park, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the subject Gas and Oil Lease and Order of Payment with Fortuna Energy, Inc. for Tax Parcel 56.04-3-1, 5.7 acres with a sign on bonus of \$570.00 and one-eighth royalty.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

CORRESPONDENCE

Special Assessment Concerns/William DeGraw Jr. A letter was received from William DeGraw Jr., 7 Sunny Dell Circle, dated October 1, 2004, asking for clarification prior to the public hearing of what the special assessment is for Water District #2.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

CSEA Union Update/Stan Barber Jr. A letter was received from Stan Barber Jr., dated October 6, 2004, informing the Town Supervisor that he rescinds his letter of resignation for the CSEA Union President position.

SCAR Decision – Chotkowski. A decision was received from Gust Freeman, Hearing Officer, which provided a decision of assessment in the amount of \$505,700.00 for Tax Parcel 78.00-1-45.2.

Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to temporarily adjourn the Town Board meeting at 5:00 p.m. All in favor, motion carried.

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 5:00 p.m.

NEW BUSINESS

RESOLUTION NO. 219-04

2005 SPECIAL ASSESSMENT FOR WATER DISTRICT #2 APPROVED

Resolution by: Fairbrother

Seconded by: Gardner

WHEREAS, the Town Board of the Town of Big Flats, Chemung County has completed an assessment roll in connection with the financing of existing debt service for capital improvements for Water District #2 and filed the same with the Town Clerk of the Town of Big Flats on September 24, 2004, and

WHEREAS, the Town Board caused due notice of the completion of said assessment roll and of the time and place wherein the Town Board would meet and hear and consider any objections to said assessment roll, to be duly published according to law, and

WHEREAS, the Town Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 13, 2004, the time and place specified in said notice and heard and considered all objections to said assessment-roll, now

BE IT THEREFORE RESOLVED, that the said assessment roll be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and be it

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment roll a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax roll, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

RESOLUTION NO. 220-04
2005 SPECIAL ASSESSMENT FOR WATER DISTRICT #3 APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS, the Town Board of the Town of Big Flats, Chemung County has completed an assessment roll in connection with the financing of existing debt service for capital improvements for Water District #3 and filed the same with the Town Clerk of the Town of Big Flats on September 24, 2004, and

WHEREAS, the Town Board caused due notice of the completion of said assessment roll and of the time and place wherein the Town Board would meet and hear and consider any objections to said assessment roll, to be duly published according to law, and

WHEREAS, the Town Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 13, 2004, the time and place specified in said notice and heard and considered all objections to said assessment-roll, now

BE IT THEREFORE RESOLVED, that the said assessment roll be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and be it

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment roll a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax roll, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 221-04
2005 SPECIAL ASSESSMENT FOR WATER DISTRICT #4 APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS, the Town Board of the Town of Big Flats, Chemung County has completed an assessment roll in connection with the financing of existing debt service for Water District #4 and filed the same with the Town Clerk of the Town of Big Flats on September 24, 2004, and

WHEREAS, the Town Board caused due notice of the completion of said assessment roll and of the time and place wherein the Town Board would meet and hear and consider any objections to said assessment roll, to be duly published according to law, and

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

RESOLUTION NO. 221-04, 2005 SPECIAL ASSESSMENT FOR WATER DISTRICT #4
APPROVED continued

WHEREAS, the Town Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 13, 2004, the time and place specified in said notice and heard and considered all objections to said assessment-roll, now

BE IT THEREFORE RESOLVED, that the said assessment roll be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and be it

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment roll a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax roll, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 222-04
WATER DISTRICT NO. 2 PROPOSED EXTENSION PUBLIC HEARING APPROVED

Resolution by: Fairbrother
Seconded by: Gardner

WHEREAS the boundaries of the proposed extension to said district are set forth and described in the following:

All that tract or parcel of land situate in the Town of Big Flats, County of Chemung, State of New York, all as shown on a plan entitled "Town of Big Flats Water District #2 Extension", prepared by Allen Engineering dated 9/14/04, having Drawing No. JOB# 02-0395 and being more particularly bounded and described as follows:

Beginning at a point in the northerly line of Sing Sing road a distance of approximately 850 ft. northeasterly of the northerly line of the extension of Big Flats Water District #2 dated March 27, 1991, said point also being the southeast corner of Tax Map parcel No. 57.02-1-68.00; thence proceeding the following courses and distances;

North 63 degrees, West 980.31 feet to a point, thence; North 3 degrees, West 84.85 feet to a point, thence; North 8 degrees, East 12.82 feet to a point, thence; South 76 degrees, East 1,066.50 feet to a point, thence; North 30 degrees, East 193.64 feet along the northerly line of Sing Sing Road to a point, thence; North 2 degrees, West 171.64 feet to a point, thence; North 89 degrees, West 97.28 feet to a point, thence; North 29 degrees, East 255.24 feet to a point, thence; South 61 degrees, East 175.89 feet to a point, thence; North 30 degrees, East 28.40 feet to a point, thence; North 59 degrees, West 174.81 feet to a point, thence; North 30

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

RESOLUTION NO. 222-04, WATER DISTRICT NO. 2 PROPOSED EXTENSION PUBLIC HEARING APPROVED continued

degrees, East 158.95 feet to a point, thence; South 62 degrees, East 173.67 feet to a point, thence; North 30 degrees, East 535.59 feet to a point, thence; North 59 degrees, West 135.95 feet to a point, thence; North 34 degrees, West 75.48 feet to a point, thence; North 21 degrees, West 578.44 feet to a point, thence; South 88 degrees, East 366.71 feet to a point, thence; South 84 degrees, East 354.65 feet to a point, thence; North 30 degrees, East 421.83 feet along the northerly line of Sing Sing Road to a point, thence; North 60 degrees, West 163.89 feet to a point, thence; North 28 degrees, East 281.57 feet to a point, thence; North 31 degrees, East 234.15 feet to a point, thence; South 56 degrees, East 161.03 feet to a point, thence; North 30 degrees, East 148.77 feet to a point, thence; North 63 degrees, West 181.83 feet to a point, thence; North 39 degrees, East 83.84 feet to a point, thence; South 62 degrees, East 168.41 feet to a point, thence; North 30 degrees, East 288.43 feet along the northerly line of Sing Sing Road to a point, thence; South 89 degrees, West 156.30 feet to a point, thence; North 12 degrees, East 108.57 feet to a point, thence; North 18 degrees, East 86.89 feet to a point, thence; South 65 degrees, East 174.88 feet to a point, thence; North 17 degrees, East 136.80 feet along the northerly line of Sing Sing road to a point, thence; North 12 degrees, East 109.56 feet along the northerly line of Sing Sing Road to a point, thence; North 5 degrees, East 72.85 feet along the northerly line of Sing Sing Road to a point, thence; North 72 degrees, West 147.40 feet to a point, thence; North 14 degrees, East 178.10 feet to a point, thence; South 90 degrees, East 150.60 feet to a point, thence; North 13 degrees, East 67.59 feet along the northerly line of Sing Sing Road to a point, thence; North 7 degrees, East 86.89 feet along the northerly line of Sing Sing Road to a point, thence; South 89 degrees, West 2,982.65 feet to a point, thence; North 1 degree, East 685.63 feet to a point, thence; North 89 degrees, East 2,979.06 feet to a point, thence; North 75 degrees, East 53.76 feet to a point, thence; South 14 degrees, East 93.62 feet to a point, thence; South 4 degrees, East 169.16 feet to a point, thence; South 6 degrees, West 264.91 feet to a point, thence; South 33 degrees, East 157.14 feet chord with arc length of 181.92 to a point, thence; North 88 degrees, East 236.44 feet along the northerly line of Sing Sing Road to a point, thence; North 28 degrees, West 138.36 feet to a point, thence; North 89 degrees, East 519.64 feet to a point, thence; North 1 degree, East 87.26 feet to a point, thence; North 90 degrees, East 179.91 feet to a point, thence; South 1 degree, East 9.63 feet to a point, thence; North 89 degrees, East 311.54 feet to a point, thence; South 2 degrees, East 198.52 feet to a point, thence; North 89 degrees, East 99.01 feet along the northerly line of Sing Sing Road to a point, thence; South 11 degrees, East 51.82 feet to a point, thence; South 26 degrees, East 142.17 feet to a point, thence; North 86 degrees, East 212.27 feet to a point, thence; South 14 degrees, East 193.65 feet to a point, thence; South 85 degrees, West 43.77 feet to a point, thence; South 25 degrees, East 228.86 feet to a point, thence; South 45 degrees, East 56.72 feet to a point, thence; South 26 degrees, East 243.85 feet to a point, thence; North 65 degrees, East 162.92 feet to a point, thence; South 13 degrees, West 173.09 feet chord with arc length of 191.39 along Garden Lane to a point, thence; South 64 degrees, West 58.89 feet along Garden Lane to a point, thence; South 26 degrees, East 301.13 feet to a point, thence; North 64 degrees, East 361.25 feet to a point, thence; South 20 degrees, East 699.35 feet to a point, thence; South 75 degrees, East 1,856.39 feet to a point, thence; North 22 degrees, East 290.67 feet to a point, thence; South 62 degrees, East 1,226.58 feet to a point, thence; South 51 degrees,

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

RESOLUTION NO. 222-04, WATER DISTRICT NO. 2 PROPOSED EXTENSION PUBLIC HEARING APPROVED continued

West 1,260.76 feet to a point, thence; North 62 degrees, West 596.50 feet to a point, thence; South 22 degrees, West 1,468.35 feet to a point, thence; North 76 degrees, West 922.79 feet to a point, thence; South 7 degrees, West 348.58 feet chord with arc length of 352.57 along Chamber Road to a point, thence; South 90 degrees, West 790.83 feet along the south line of Schweitzer Road to a point, thence; South 51 degrees, West 1,089.63 feet to a point, thence; South 87 degrees, West 152.84 feet to a point, thence; South 51 degrees, West 874.14 feet to a point, thence; South 1 degree, East 1,889.52 feet to a point, thence; South 89 degrees, West 2,220.97 feet to a point, thence; South 49 degrees, West 1,752.98 feet to a point, thence; South 7 degrees, East 465.16 feet to a point in the southerly boundary of Route 17, thence; South 74 degrees, West 2,814.43 along the southerly boundary of Route 17, thence; North 12 degrees, East 318.62 feet to a point, thence; South 74 degrees, West 31.60 feet to a point, thence; North 10 degrees, East 204.96 feet to a point, thence; North 0 degrees, West 208.37 feet to a point, thence; North 87 degrees, East 18.29 feet to a point, thence; North 21 degrees, East 648.94 feet to a point, thence; North 18 degrees, East 378 feet to a point, thence; South 70 degrees, East 35.34 feet to a point in the westerly line of Kahler Road to a point, thence; North 17 degrees, East 706.52 feet along the westerly line of Kahler Road to a point, thence; North 8 degrees, East 989.67 along the westerly line of Kahler Road to a point, thence; North 85 degrees, East 227.66 feet along the southerly boundary of Water District #2 to a point, thence; North 76 degrees, East 480.11 feet along the southerly boundary of Water District #2 to a point, thence; North 67 degrees, East 266.86 feet along the southerly boundary of Water District #2 to a point, thence; North 58 degrees, East 1,216.74 feet along the southerly boundary of Water District #2 to a point, thence; North 55 degrees, East 203.19 feet along the southerly boundary of Water District #2 to a point, thence; North 45 degrees, East 380.41 feet along the southerly boundary of Water District #2 to a point, thence; North 35 degrees, East 272.02 along the southerly boundary of Water District #2 to a point, thence; South 45 degrees, East 419.61 feet along the boundary of Water District #2 to a point, thence; North 44 degrees, East 715 feet along the boundary of Water District #2 to a point, thence; North 44 degrees, West 236.60 feet along the boundary of Water District #2 to a point, thence; South 45 degrees, West 465.94 feet along the boundary of Water District #2 to a point, thence; North 46 degrees, 400.35 feet to a point in the southerly line of Sing Sing Road, thence; North 34 degrees, East 427.69 feet along the southerly boundary of Sing Sing Road to a point, thence; North 29 degrees, East 994.68 along the southerly boundary of Sing Sing Road to a point, thence; North 89 degrees, East 391.72 feet to a point, thence; North 69 degrees, West 110.55 feet to a point, thence; South 20 degrees, West 48.42 feet to a point, thence; North 55 degrees, West 46.26 feet to a point, thence; North 31 degrees, East 40.76 feet to a point, thence; North 66 degrees, West 53.53 feet to a point, thence; South 30 degrees, West 970 feet along the northerly line of Sing Sing Road to the point and place of beginning.

Excepting and reserving the following parcels which fall within these boundaries:

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

RESOLUTION NO. 222-04, WATER DISTRICT NO. 2 PROPOSED EXTENSION PUBLIC HEARING APPROVED continued

Tax Map Parcel No. 47.04-01-90.00 bounded and described as follows:

Beginning at the point of intersection of Sing Sing Road and Chambers Road and proceeding thence; South 25 degrees East along the southwesterly line of Chambers Road a distance of 220.18 feet to a point, thence; South 89 degrees West a distance of 328.45 feet to a point, thence; North 1 degree West a distance of 199.63 feet to a point in the south line of Sing Sing Road, thence; North 89 degrees East along the south line of Sing Sing Road a distance of 236.93 feet to the point and place of beginning. This parcel having an area of 1.297 acres.

Tax Map Parcel No. 47.04-01-94.00 bounded and described as follows:

Beginning at a point in the south line of Sing Sing Road 646.16 feet westerly from its' intersection with the southwesterly line of Chambers Road and proceeding thence; North 89 degrees East along the southerly line of Sing Sing Road a distance of 142.23 feet to a point, thence; South 1 degree East a distance of 199.24 feet to a point, thence; South 89 degrees West a distance of 57.97 feet to a point, thence; North 23 degrees West a distance of 215.52 feet to the point and place of beginning. This parcel having an area of 0.456 acres.

Tax Map Parcel No. 57.02-2-64.21 and Tax Map Parcel No. 57.02-2-64.22 together bounded and described as follows:

Beginning at a point in the northerly line of Airport Road, said point being 310.58 feet easterly of the southeasterly line of Sing Sing road, and proceeding thence; Northerly a distance of 237.11 feet to a point, thence; Easterly a distance of 110.85 feet to a point, thence; Southerly a distance of 229.87 feet to a point in the northerly line of Airport Road, thence; Westerly a distance of 108.19 feet to the point and place of beginning. This parcel having an area of 0.587 acres.

Subdivision Exclusion bounded and described as follows:

Beginning at a point in the southeasterly line of Sing Sing Road, said point being 470 feet southwesterly of the south line of Lewis Lane, and proceeding thence; North 89 degrees East a distance of 183.31 feet to a point, thence; North 29 degrees East a distance of 474.29 feet to a point, thence; North 89 degrees East a distance of 977.94 feet to a point, thence; North 0 degrees East a distance of 238.18 feet to a point, thence; North 89 degrees East a distance of 582.35 feet to a point, thence; North 19 degrees West a distance of 915.56 feet to a point, thence; North 5 degrees West a distance of 366.40 feet to a point, thence; North 7 degrees West a distance of 757.44 feet to a point in the south line of Sing Sing Road, thence; South 89 degrees West along the south line of Sing Sing Road a distance of 210.89 feet to a point, thence; South 52 degrees West along the chord of an arc a distance of 107.10 feet to a point, thence; South 11 degrees West along the southeasterly line of Sing Sing Road a distance of 449.79 feet to a point, thence; South 14 degrees West a distance of 155.15 feet to a point, thence; South 20 degrees West a distance of 67.49 feet to a point, thence; South 30 degrees West a distance of 531.78 feet to a point, thence; South 60 degrees East a distance of 167.88 feet to a point, thence; South 29 degrees West a distance of 980.31 feet to a point, thence; North 61 degrees West a distance of 160.57 feet to a point, thence; South 30 degrees West a

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

RESOLUTION NO. 222-04, WATER DISTRICT NO. 2 PROPOSED EXTENSION PUBLIC HEARING APPROVED continued

distance of 696.10 feet to the point and place of beginning. This parcel having an area of 41.226 acres. Subject to any easements or encumbrances of record.

WHEREAS a map, plan and report detailing said extension accompanied said petition, dated September 15, 2004, entitled "Town of Big Flats Proposed Extension to Water District #2, Allen Engineering Project #02-0395" for the property of the Big Flats Water District No. 2, Revision #1, prepared by Allen Engineering, a copy of which is on file with the Town Clerk; and

WHEREAS the improvements proposed consist of the construction of a water system serving said proposed extension said proposed extension area at the approximate locations and in the manner set forth and described in said map, plan and report, and

WHEREAS the maximum amount proposed to be expended for such improvement is \$5000.00; the estimated cost of hook up fees is \$2500.00 and the estimated cost of the extension to the typical property and, if different, the typical one or two family home will be as follows: 1) estimated share of extension costs is \$107.00, 2) estimated water usage fee / year is \$115.00, 3) estimated share of associated with existing district improvements is \$22.00, Total estimated first year charges are \$244.00, and

WHEREAS no financing is necessary to complete such improvement, and

WHEREAS the above action is an Unlisted action for the purposes of SEQRA, with the Town of Big Flats Town Board hereby being declared the lead agency thereon; and

WHEREAS the Town will make a determination if the implementation of the subject action will result in any significant adverse impact on the environment upon the completion of the public hearing set herein; now

BE IT THEREFORE RESOLVED pursuant to Town Law Section 193 that the Town Board of the Town of Big Flats shall meet at the Town Hall, located at 476 Maple Street, Town of Big Flats, on the 27th Day of October 2004, at 7:05 o'clock P.M. for the purpose of conducting a public hearing on the proposal to extend Water District No. 2 as specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby ordered and authorized to publish a copy of this Order in the official paper for the Town, as required and provided for by law, and

BE IT FURTHER RESOLVED that the Town Clerk shall file a certified copy of this order with the State Comptroller's Office as required and provided by law.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 13, 2004

Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the Water Board meeting at 5:04 p.m. All in favor, motion carried.

Supervisor Balland called the Town Board meeting to order and made a motion, seconded by Councilperson Gardner, to enter into Executive Session to discuss pending litigation. All in favor, motion carried. Supervisor Balland invited the Town Clerk to the Executive Session.

Supervisor Balland reconvened the Town Board meeting. Since there was no further business to come before the Board, Councilperson made a motion, seconded by Councilperson Gardner, to adjourned the meeting at 5:12 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING ON OCTOBER 27, 2004

PRESENT:	Supervisor	Mary Ann Balland
	Council	Duane Gardner
		Edward Fairbrother
		Leonard Kaner
	Attorney	Thomas Reed
	Clerk	Teresa Dean

ABSENT: Council Dean Frisbie

Supervisor Balland called the Town Board meeting to order at 7:05 p.m. and requested participation in the Pledge of Allegiance.

PUBLIC HEARING: 7:03 p.m. Special Use Permit by Donald Yearick,
334 Sing Sing Road

Attorney Reed called the public hearing to order at 7:05 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on October 19, 2004, which would allow and consider public comments on the proposed request for a Special Use Permit by Donald Yearick at his facility at 334 Sing Sing Road in the Town of Big Flats.

IN FAVOR:	None
OPPOSITION:	None
COMMENTS:	None

Since there were no further comments, Attorney Reed closed the Public Hearing at 7:07 p.m.

PUBLIC HEARING: 7:05 p.m. Water District #2 Proposed Extension

Attorney Reed called the public hearing to order at 7:07 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on October 19, 2004, which would allow and consider public comments on the proposed Extension of Water District #2.

IN FAVOR:

Mike Nicolo, 458 Sing Sing Road, stated that he was in favor and the Merrow's are out-of-Town; however, they are also in favor.

Jim Bruner, stated he and his wife own property along Sing Sing Road and they are very pleased.

John Brennan, 3275 Stonybrook Road, stated he and his wife are also in favor.

OPPOSITION: None

COMMENTS: Dave Shoen, News Director for WENY, asked how many residence were in the proposed extension. DPW Commissioner stated approximately 99.

Since there were no further comments, Attorney Reed closed the Public Hearing at 7:10 p.m.

MINUTES OF TOWN BOARD MEETING ON OCTOBER 27, 2004

MINUTES

A motion was made by Councilperson Kaner, seconded by Councilperson Gardner, to approve the minutes of September 21, 2004 as presented. All in favor, except Councilperson Frisbie was absent. Motion carried.

A motion was made by Supervisor Balland, seconded by Councilperson Kaner, to approve the minutes of September 22, 2004 as presented. All in favor, except Councilperson Frisbie was absent. Motion carried.

A motion was made by Councilperson Fairbrother, seconded by Councilperson Gardner, to approve the minutes of October 13, 2004 as presented. All in favor, except Councilperson Frisbie was absent. Motion carried.

REPORTS

Supervisor Balland provided the following reports:

- Laberge Group came and held their meetings last Friday and Saturday. A meeting will be held on November 18, 2004 at 7:00 p.m. to meet with the Town;
- A proposed meeting has been set up for November 16, 2004 to discuss Soaring Ridge (Suburban Acres);
- A property owner on Belaire Drive has asked the Town Board to consider a leash law for cats.

CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, stated he had addressed an issue with the Town Board regarding the cemetery graves in the Whitney Park and it was reported to him that the Town had no plans of disrupting the cemetery; however, a letter was written by the Attorney for the Town that states the Town will obtain the necessary authority to disinter graves. Attorney Reed explained that when the Town was negotiating with Ms. Mary Barnes she had raised concern that there may be a boundary dispute south of the property that may involve the fenced in cemetery. Therefore, to address those concerns the Town took the position that they would take the necessary actions. Attorney Reed stated that after further review of the survey it has been determined that the cemetery (fenced in area) is solely on the property dedicated to the Town thus, resulting in no need to obtain easements and/or to disinter. Attorney Reed stated that the graves located on the Miller property were never a concern or part of the negotiations. Supervisor Balland explained that a descendant of Rev. Cole had contacted her to discuss the graves that are located on Mr. Miller's property.

Mr. Nicolo explained that Community Days, Inc. had approved the amount not-to-exceed \$1,500 for the purchase of trees for the Community Center and an amount not-to-exceed \$1,000 for the purchase of benches for the Community Center.

MINUTES OF TOWN BOARD MEETING ON OCTOBER 27, 2004

OLD BUSINESS

RESOLUTION NO. 223-04

APPLICATION BY DONALD YEARICK FOR A SPECIAL USE PERMIT DENIED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS the Planning Board has received an application for site plan approval from Donald Yearick for a vehicle repair facility located at 334 Sing Sing Road to install and repair auto components on motor vehicles, and

WHEREAS the property is located in the Airport Business Development (ABD) district approximately 500 feet east of Airport Road, and

WHEREAS the property contains 0.677 acres, triangular in shape, and

WHEREAS the property has been used for vehicle repair, and is presently vacant, and

WHEREAS vehicle repair is a permitted use in the ABD district with approval of the Planning Board and Special Permit approval of the Town Board, and

WHEREAS the Planning Board has not reviewed the application due the applicants failure to submit the necessary information or complete the application for such approval, and

WHEREAS this Board has reviewed the subject application and finds the application grossly inadequate to receive approval herein and hereby finds the proposed use on the subject lot to be inappropriate due to the known traffic concerns along Sing Sing Road in this area; the triangular shape of the subject property does not permit adequate parking for such a business use as proposed and the residents in the vicinity of such proposed use have recognized a negative noise impact associated with similar prior uses of the proposed lot, and

WHEREAS the denial of a special use permit is a Type II administration action and therefore no SEQRA review is necessary herein, now

BE IT THEREFORE RESOLVED the Town Board denies the subject application by Donald Yearick for a special permit.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING ON OCTOBER 27, 2004

RESOLUTION NO. 224-04
ALTERNATE PLANNING BOARD MEMBER APPOINTMENT APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS in Resolution 213-04 the Town Board adopted Local Law #5, 2004, titled "Town of Big Flats Planning Board Law" approving the position of Alternate Planning Board member, and

WHEREAS Lance Muir is currently a member of the Planning Board Applications Committee and has consented to be the Alternate Planning Board member, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR617.5(c)(20 and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that this Board approves and hereby appoints Lance Muir as the Alternate Planning Board member for a term effective immediately ending December 31, 2004, and the Town Board shall thereafter appoint an alternate Planning Board member at its Annual Organizational Meeting for a one-year term.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Frisbie

NEW BUSINESS

RESOLUTION NO. 225-04
PRELIMINARY BUDGET, SETTING ELECTED OFFICIALS COMPENSATION
APPROVED

Resolution by: Balland
Seconded by: Gardner

WHEREAS the Tentative Budget has been presented to the Town Board, and

WHEREAS the Town Board has conducted numerous budget workshops and determined that the Tentative Budget has been completed, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board accepts the Preliminary Budget as presented and sets a public hearing to allow and consider comments on the Preliminary Budget for 4:33 p.m. on November 10, 2004, and

MINUTES OF TOWN BOARD MEETING ON OCTOBER 27, 2004

RESOLUTION NO. 225-04, PRELIMINARY BUDGET, SETTING ELECTED OFFICIALS
COMPENSATION APPROVED continued

FURTHER RESOLVE the proposed Elected Officials salaries be set as follows:

Supervisor	28,360
Council (4)	6,564 each
Town Clerk	32,425
Tax Collector	6,741
Town Justices (2)	14,882 each

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 226-04
MIDLAND APPRAISAL ASSOCIATES, INC. AGREEMENT APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Town of Big Flats has received a Tax Certiorari from Arnot Mall challenging its tax assessment, and

WHEREAS representation of said petitions is outside the general employment parameters for the Attorney for the Town, and

WHEREAS the administration and management of Town personnel is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board authorizes the Town Supervisor to enter into an agreement with Midland Appraisal Associates, Inc. to represent the Town of Big Flats in defense for such Tax Certiorari on the aforementioned matter at a cost not-to-exceed \$16,800.00.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING ON OCTOBER 27, 2004

RESOLUTION NO. 227-04
HIGHWAY FUND BUDGET TRANSFER APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS additional medical testing for employees was required and as a result a budget transfer is necessary, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget transfer:

FROM:	Machinery	D5140.0400	\$300.00
TO:	Miscellaneous	D5130.040	\$300.00

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 228-04
WATER DISTRICTS 2 AND 3 BUDGET AMENDMENTS APPROVED

Resolution by: Gardner
Seconded by: Fairbrother

WHEREAS the Town Board has determined it necessary to complete a budget transfer for Water Districts #2 and #3, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget transfer:

Water District #2

FROM:	Transmission and Equipment	S28340.0400	\$4,000.00
TO:	Engineering	S21440.0400	\$4,000.00

FROM:	S & S of Power and Pump	S28320.0400	\$5,000.00
TO:	Administration	S28310.0400	\$5,000.00

Water District #3

FROM:	S & S of Power and Pump	S38320.0400	\$3,000.00
TO:	Administration	S38310.0400	\$3,000.00

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING ON OCTOBER 27, 2004

RESOLUTION NO. 229-04
ABSTRACT OF AUDITED VOUCHERS FOR OCTOBER 2004 APPROVED

Resolution by: Kaner
Seconded by: Gardner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for October 2004, vouchers 2072 - 2201, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 63,972.42
HIGHWAY FUND	\$108,681.88
WATER DISTRICT #1	\$ 3,948.81
WATER DISTRICT #2	\$ 7,426.26
WATER DISTRICT #3	\$ 2,080.95
WATER DISTRICT #4	\$ 526.11
LIGHTING DISTRICT	\$ 645.72
TRUST & AGENCY	\$ 1,237.25

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Frisbie

CORRESPONDENCE

Tax Certiorari – Corning Incorporated (AP); Steven J. Coons; Bottcher's Landing. A notice was received from Honorable Judith O'Shea, Justice of Supreme Court, dated September 17, 2004, stating that the representatives of Corning Incorporated, Steven J. Coons, and Bottcher's Landing have two (2) years to arrange a preliminary conference regarding the Tax Certiorari.

SCAR Decisions. Decisions were received from the Haring Officer regarding the Small Claims Assessment Review for property owned by Izzo, Raeder, Tarantelli, Rose, Miller Trust, Wood, Stevenson, and Steed.

Traffic Signal Request/B. Owens. A letter was received from Bill Owens, owner of Owens Heating & Plumbing, Inc., stating his strong safety concern for the lack of a traffic signal at the intersection of NYS Route 352 and Main Street. Supervisor Balland stated this letter would be forwarded to the New York State Department of Transportation.

Kahler Road Interchange/NYS DOT. A letter was received from Christopher Covert, Engineer in Charge for New York State Department of Transportation for Kahler Road Interchange, dated October 13, 2004, asking the Town to review the work for acceptance and return comments within 10 days. Supervisor Balland stated a reply was sent to Mr. Covert, dated October 15, 2004, pointing out the concerns of the speed limit and traffic lights for Kahler Road bridge.

Notice of Intent/Fortuna Energy Inc. A letter was received from Fortuna Energy Inc., dated October 15, 2004, informing the Town of their intent to tie-in the Soderblom #1 to Gregory well.

MINUTES OF TOWN BOARD MEETING ON OCTOBER 27, 2004

Leaves/NYS DEC. A notice was received from New York State Department of Environmental Conservation informing municipalities that it is a violation for most landfills in the State to accept yard waste such as leaves. Composting leaves is recommended.

Open House Invitation/Chemung Valley Montessori School. An invitation was received from the Chemung Valley Montessori School Board of Trustee for their open house on Friday, October 29, 2004 from 10:00 a.m. to 11:30 a.m.

Supervisor Balland suspended the Town Board meeting.

WATER BOARD

Supervisor Balland opened the Water Board meeting at 7:26 p.m.

NEW BUSINESS

RESOLUTION NO. 230-04 WATER DISTRICT NO. 2 EXTENSION APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS, a petition dated September 15, 2004, was duly presented to the Town with the necessary map, plan and report attached thereto according to law, requesting that an extension to Water District No. 2, as hereinafter described, be established in the Town, and

WHEREAS, the Town Board duly adopted Resolution No. 222-04 at its regularly scheduled meeting on October 13, 2004, that recited in general terms the filing of said petition; set forth the boundaries of the proposed district extension, the improvements proposed and the estimated expenses associated therewith and that further specified October 27, 2004 at 7:05 p.m. as the time, and the Town Hall in the Town of Big Flats as the place, where the Town Board would meet to consider a Resolution to approve the extension of Water District No. 2 and to hear all persons interested in the subject thereof, concerning the same, and

WHEREAS, such Order and Notice of Hearing was duly posted and published as required by law, and is otherwise sufficient, and

WHEREAS, a hearing in the matter was duly held by the Board on this October 27, 2004, commencing at 7:03 p.m. at the Town Hall in the town and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, and

WHEREAS, the Town hereby determines upon review of the Short EAF dated October 27, 2004, accompanying said map, plan and report that this is an unlisted action for purposes of SEQRA; that the Town Board declares itself lead agency herein; that coordinated review is unnecessary and that the proposed action herein does not have a significant adverse impact upon the environment for purposes of SEQRA.

MINUTES OF TOWN BOARD MEETING ON OCTOBER 27, 2004

RESOLUTION NO. 230-04, WATER DISTRICT NO. 2 EXTENSION APPROVED continued

BE IT THEREFORE RESOLVED AND DETERMINED, that (a) the aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient (b) the Notice of Hearing was published and posted as required by law, and is otherwise sufficient; (c) all the property and property owners within the proposed district extension are benefited thereby; (d) all the property and property owners benefited are included within the limits of the proposed district extension; and (e) it is in the public interest to grant in whole the relief sought, and

FURTHER RESOLVED the establishment of the proposed extension to Water District No. 2, as proposed, be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for, and shall be bounded and described as more fully set forth in the map, plan and report, entitled "Town of Big Flats Proposed Extension to Water District No. 2, Allen Engineering Project #02-0395" for the property of the Big Flats Water District No. 2, Revision #1, prepared by Allen Engineering, a copy of which is on file with the Town Clerk, and

FURTHER RESOLVED the proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses shall be financed as follows: No financing required as there is no costs to the Water District associated with this extension, and

FURTHER RESOLVED the Town Clerk of this Town shall within ten days after the adoption of this Resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York, and the Office of the Chemung County Clerk in Elmira, NY pursuant to Town Law §194.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 231-04
DELINQUENT WATER DISTRICTS #2, #3, AND #4 CUSTOMERS FOR INCLUSION ON
THE TAX ROLL APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS the Town Board has received a list of all delinquent water customers for Water Districts #2, #3, and #4, dated September 28, 2004, and

WHEREAS said water customers have been notified that said delinquent bills must be paid by October 28, 2004, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR Part 617.5 (c) (20), now

MINUTES OF TOWN BOARD MEETING ON OCTOBER 27, 2004

RESOLUTION NO. 231-04, DELINQUENT WATER DISTRICTS #2, #3, AND #4
CUSTOMERS FOR INCLUSION ON THE TAX ROLL APPROVED continued

BE IT THEREFORE RESOLVED the Town Board delegates authority, if necessary, to make changes to the proposed delinquent water customers list to the Account Clerk for the Water Department and the Water Systems Supervisor, and

FURTHER RESOLVED the Town Board authorizes the delinquent water customers list as of October 29, 2004 for Water Districts #2, #3, and #4 be forwarded to the Chemung County Real Property Tax Services for inclusion on the 2005 tax bills.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland
NAYS: None ABSENT: Frisbie

A motion was made by Councilperson Fairbrother, seconded by Councilperson Gardner to adjourn the Water Board meeting at 7:27 p.m. All in favor, except Councilperson Frisbie was absent. Motion carried.

Supervisor Balland reconvened the Town Board meeting and made a motion to enter into Executive Session to discuss a particular personnel matter with Department of Public Works. All in favor, except Councilperson Frisbie was absent. Motion carried.

Supervisor Balland reconvened the Town Board meeting at 7:45 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the Town Board meeting at 7:45 p.m. All in favor, except Councilperson Frisbie was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 10, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Dean Frisbie
 Edward Fairbrother
 Leonard Kaner
 Clerk Teresa Dean

ABSENT: Attorney Thomas Reed

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

PUBLIC HEARING: 4:33 P.M. 2005 PRELIMINARY BUDGET

Supervisor Balland called the Public Hearing to order at 4:33 p.m. and read the legal notice published in the Elmira Star Gazette on October 31, 2004, to allow and consider public comments on the proposed 2005 Preliminary Budget.

IN FAVOR: None

OPPOSITION: None

COMMENTS:

Pam Houck, 6 Cardinal Lane, asked why the increase? Supervisor Balland explained that there has been an increase in utilities, salaries and minuscule items. Ms. Houck stated that there are private facilities that are not giving wage increase; however, taxes get higher and higher. Supervisor Balland explained that the Town Board and Supervisor did not and have not for the last few years taken a salary increase. The legal fees have increased due to lawsuits and the Town public officials liability insurance has also increased. Ms. Houck indicated that she understood; however, a water leak was fixed in June and to date the road has not been repaired. Members of the Town Board briefly explained the services provided by the Town of Big Flats.

Debbie Golden, 15 Suburban Drive, asked why the Town permitted businesses with exemptions in the Town? Supervisor Balland explained that if the property is zoned appropriately there is little that the Town can do to deny an application. The exemptions and agreements are at State and County levels.

Since there were no further comments, the Public Hearing was closed at 4:46 p.m.

NOTE: Attorney Reed arrived at 4:42 p.m.

REPORTS

The following reports for October 2004 are on file in the office of the Town Clerk:

Town Clerk's monthly report; Supervisor's Fund Balance Report; Justice Court monthly report; Building Department/Code Enforcement monthly report; Community Center; Assessor's monthly report; Youth Commission minutes; SPCA monthly report for September; Department of Public Works monthly report.

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 10, 2004

Supervisor Balland also provided the following updates:

- November 18, 2004 – meeting with the committee and at 7:00 p.m. a community meeting;
- Barnes Hill Road water extension project is continuing and discussions have been conducted with JC Smith regarding financing;
- Water District loop extension is being reviewed;
- Whitney Park – culvert has been installed;
 - A neighboring resident has asked for permission to maintain the Whitney Plot; therefore, Supervisor Balland asked with the Town Board would be interested in allowing the adjacent property owner to maintain the plot. Consensus of the Town Board was the Town would maintain the Whitney Plot.
 - The Town has requested all adjacent property owners along Whitney Park to remove their personnel property from the Park; however, an adjacent property owner has asked that he be given permission to continue storing his property on the Parkland. Consensus of the Town Board was that all property owners were requested to remove their property from the parkland; therefore, the request to permit storage is declined.
- Memos were provided to the Town Board regarding proposed salaries and the meeting dates and times for the remainder of the year;
- Money was donated to the Friends of the Community Center who purchased and donated a piano to the Community Center;
- In January of 2005 the Chemung County Emergency Management Office will take the responsibility of assigning house numbers;
- There will be a meeting with a representative from Weiler Mapping to discuss the opportunity to apply for a GIS grant;
- Holidays for December will be December 27, 2004 and January 3, 2005;
- Next week is the sale of bonds;
- The Town Clerk received 9 new FOIL request;
- A hearing regarding the lawsuits will be held on November 22, 2004;
- A meeting was held with residents of Suburban Drive;
- The 65/35 Program was discussed with Bob Harris;
- Kahler Road speed limit and traffic lights were discussed; and
- Library district proposal is being discussed.

Judy Zimmerman stated that the Library Committee has met with Brian Harris of Steele Memorial Library and Mike Krusen and at this time they have not determined what the status is of the Library.

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 10, 2004

CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, stated that a questionnaire was delivered to his house and he asked if this was a Town questionnaire. Judy Zimmerman – Chairperson of the Community Center Advisory Committee stated that she was aware of the questionnaire and list of events regarding the Community Center; however, the other pages are of interest to him regard Whitney Park.

Gary Bernhardt, 809 Harris Hill Road, stated that the lighting on Kahler Road, specifically at the off-ramps is poor – it is very dark. Supervisor Balland stated that she would bring this to the attention of New York State Department of Transportation.

Jane King, 15 Kelley Drive, stated that the north side of the bridge of Exit 49 has a large sign laying over the guard rail. Commissioner Wagner stated that New York State Department of Transportation is aware.

Debbie Golden, 15 Suburban Drive, asked what would happen if Suburban Drive is damaged due to the new construction – who is responsible for the repairs? Commissioner Wagner stated that the subdivision proposal has to be reviewed by the Planning Board; therefore, this will be an item discussed. Attorney Reed stated that there has been occasions when bonds are put into place to cover the cost of any unforeseen repairs.

Mike Nicolo, 458 Sing Sing Road, asked if anyone knew what restaurant was coming to Town? Supervisor Balland stated that she was not aware.

Steve Teets, 10 Farr Lane, stated that Kahler Road should be closed off prior to County Route 64 and the Town Board is doing a disservice by not closing this road. Supervisor Balland explained that several letters and telephone calls were received that requested Kahler Road remain open. Councilperson Frisbie pointed out that since Kahler Road has opened there has been no accidents. Mr. Teets reiterated that he felt the road should be closed. Supervisor Balland requested that Mr. Teets put his concerns in writing to the Town Board so that they may include his letter with the other comments regarding Kahler Road.

OLD BUSINESS

RESOLUTION NO. 232-04
2005 BUDGET APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS the Town Supervisor has prepared the 2005 Preliminary Budget, and

WHEREAS a Public Hearing for said Preliminary Budget was duly held on November 10, 2004 at 4:33 p.m., and

WHEREAS for environmental purposes this is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 10, 2004

RESOLUTION NO. 232-04, 2005 BUDGET APPROVED continued

BE IT THEREFORE RESOLVED that the Town Board adopts the 2005 Budget as submitted on October 19, 2004, titled "Town of Big Flats 2005 Preliminary Budget".

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

NEW BUSINESS

RESOLUTION NO. 233-04
ROAD SALT STATE BID AT A COST OF \$27.61 PER TON APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS the County bid for road salt was never awarded therefore the Town of Big Flats will now purchase road salt through State Bid, and

WHEREAS the State bid for road salt is listed under Group No. 01800, Contract No. PC58287, and

WHEREAS the contract period for road salt is September 1, 2004 through August 31, 2005, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Larry Wagner to purchase road salt not to exceed two thousand one hundred sixty (2,160) ton at the state bid price of \$27.61 per ton delivered for the duration of said contract period.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 10, 2004

RESOLUTION NO. 235-04
PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 15.16.060 REGARDING
PROPERTY KNOWN AS 78 HAMMOND STREET APPROVED

Resolution by: Fairbrother
Seconded by: Gardner

WHEREAS the Director of Building Inspections and Code Enforcement has filed a written report and photographs with the Town Clerk pursuant to Town Code Chapter 15.16.050, dated October 27, 2004, regarding tax parcel # 66.04-2-19, commonly known as 78 Hammond Street, Big Flats, NY, and

WHEREAS said property has been identified under said written report to be an unsafe or dangerous building in the Town, and

WHEREAS the Town Board must take action on said report pursuant to Chapter 15.16 of the Town Code, and

WHEREAS this is a Type II administrative action under SEQRA 6NYCRR 617.5 (c) and thus no environmental review action is required,

BE IT THEREFORE RESOLVED that the Town Board hereby accepts the Director of Building Inspections and Code Enforcement's written report pursuant to Town Code Chapter 15.16.050, dated October 27, 2004, in regards to the property referenced above, and

FURTHER RESOLVED that the Town Board hereby sets a public hearing on November 23, 2004 at 4:33 p.m., in accordance with Chapter 15.16.060, to hear from the owner, and any interested parties herein, concerning said written report and the Town Clerk is hereby directed and authorized to serve the requisite notice upon the owner of said property as required under Chapter 15.16.050 (C).

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

CORRESPONDENCE

Property Concerns/Lovejoy. A letter was received from Robert and Joan Lovejoy, dated October 25, 2004, regarding the replacement of a culvert pipe, drainage ditch, and use of their property on Leach Hill Road.

Kahler Road Interchange/NYS DOT. A letter was received from Christopher Covert, of New York State Department of Transportation and Engineer in Charge of the Kahler Road Interchange, dated October 26, 2004, informing the Town Board that the speed limit on Kahler Road is being addressed by the Traffic Engineering and Safety Group and that the traffic control at Kahler Road bridge maintenance agreement will be completed removing the Town's responsibility for the original signal.

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 10, 2004

Project Update Notice/Governor's office for Small Cities. A letter was received from the Governor's Office for Small Cities, dated October 29, 2004, reminding the Town that the grant funds must be expended for the project prior to May 1, 2005.

Wicked Werx Update/NYS DMV. A letter was received from James Donnery, Regional Director of the Department of Motor Vehicles, dated October 21, 2004, stating that after an investigation of Wicked Werx, located at 334 Sing Sing Road, it was determined no evidence was found that determined this facility to be in violation of any Vehicle and Traffic Law or Commission Regulations.

Liquor License Renewal Notice/Tag's. A letter was received from Tag's, dated November 3, 2004, informing the Town of their intentions of obtaining a Liquor License for the new banquet addition.

Grant Opportunity Notice/Weiler Mapping. A letter was received from Weiler Mapping, dated November 1, 2004, informing the Town Supervisor that grants are available to assist the Town in acquiring technology for improved public services, specifically support for Geographic Information System (GIS).

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the meeting at 5:20 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Leonard Kaner
 Attorney Thomas Reed
 Clerk Teresa Dean

ABSENT: Council Dean Frisbie
 Edward Fairbrother

Supervisor Balland called the Town Board meeting to order at 4:32 p.m. and requested participation in the Pledge of Allegiance.

PUBLIC HEARING: 4:33 p.m. Notice of Violation & Order to Repair or Remove –
 78 Hammond Street

Attorney Reed called the Public Hearing to order at 4:33 p.m. and read the legal notice published in the Elmira Star Gazette on November 16, 2004, to allow and consider public comments concerning the Notice of Violation and Order to Repair or Remove the unsafe and dangerous property located at 78 Hammond Street.

IN FAVOR: None

OPPOSITION: None

COMMENTS: Susan Sykora, 175 Lightzer Road, Pine City, stated that she did not receive a notice of this hearing. She indicated that a package was received from her Attorney and had no idea. Ms. Sykora understood, based on her son's information, that the Town would not issue a Building Permit to make the necessary repairs. Chuck Coons – Director of Building Inspection and Code Enforcement, stated that there was a Building Permit; however, it was withdrawn due to there being no plans and/or activity. Mr. Coons had spoken with Mike (Ms. Sykora's son) to discuss the Building Permit. Philip Kerry, 4049 Lane Road, stated that he has been hired to make the necessary repairs to the home; however, due to his residence being in Florida and there being four hurricanes, he had to return to Florida for disaster relief.

Attorney Reed stated that the Town Board is here to determine whether or not the structure is unsafe and requires demolition. Mr. Kerry stated that the structure is sound and the downstairs is habitable with minor repairs. The downstairs was damaged by water, not from the fire. The entire house has been rewired. Ms. Sykora stated that the house was rewired and inspected by Bruce Horncastle. Attorney Reed stated that the Town had not received any documentation that an electrical inspection had been conducted. Mr. Kerry explained drywall needs to be installed, new carpet and replace one door that was damaged by someone trying to get into the house. Attorney Reed asked if the beams and/or joist were damaged by the fire? Mr. Kerry indicated that he had not found any damaged; however, there was one that had a little black on the beam. Ms. Sykora stated that the prior to the fire the upstairs was remodeled with masonry paneling.

Mr. Kerry stated the downstairs is habitable and recommended the Town Board permit the downstairs of the house so that Mike can live in the house while the remainder of the structure is being renovated. Mike lives approximately 20 miles away from his mother and for him to renovate the house, take care of his mother, and drive back and forth would be a lot of traveling.

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

Ms. Sykora stated that due to her disability the house needs to be repaired so that she can move back into the house to continue rehab. Mr. Kerry asked if the upstairs could be closed off? Chuck Coons – Director of Building Inspection and Code Enforcement stated that a letter was written by the former Director, dated October 20, 1998, stating during the fire the house sustained significant damage and recommended an engineer look at the structure.

Ms. Sykora briefly reviewed the photos that had been submitted. She stated that a gentleman by the name of Mr. Campbell had inspected and approved the chimney.

Dawn Haverly, 493 Chambers Road, stated that the house could and needed to be repaired so that her sister – Susan could move back to the house to recover.

Since there were no further comments, the Public Hearing was closed at 4:53 p.m.

MINUTES

Supervisor Balland made a motion, seconded by Councilperson Kaner to approve the minutes of October 27, 2004 as presented. All in favor, except Councilperson Frisbie and Fairbrother were absent. Motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Gardner to approve the minutes of November 10, 2004 as presented. All in favor, except Councilperson Frisbie and Fairbrother were absent. Motion carried.

CONCERNS OF THE PEOPLE

OLD BUSINESS

RESOLUTION NO. 236-04

DEMOLITION OF THE STRUCTURES LOCATED AT 78 HAMMOND STREET

Resolution by: Balland

Seconded by: Gardner

WHEREAS the Town Board has received a report from the Director of Building Inspections and Code Enforcement regarding the physical condition of the property located at 78 Hammond Street, Tax Parcel #66.04-2-19, owned by Susan Sykora, 175 Lightizer Road, Pine City, and

WHEREAS said report has been duly filed in the Town Clerk's office, and

WHEREAS the dwelling was damaged by fire in 1998, and

WHEREAS the Town Board has duly held a Public Hearing on November 23, 2004, and

WHEREAS this is a Type II action under SEQRA 6NYCRR, Part 617.5 (c) (20) and (29) and thus no environmental review is required, now

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

RESOLUTION NO. 236-04, DEMOLITION OF THE STRUCTURES LOCATED AT 78 HAMMOND STREET continued

BE IT THEREFORE RESOLVED that this Board, pursuant to Chapter 15.16.060 of the Town Municipal Code, hereby affirms the order to demolish the structures located at 78 Hammond Street, remove all construction debris and fill any and all foundations to level grade, not later than December 30, 2004, and

FURTHER RESOLVED that the property owner shall secure a permit for said demolition work prior to commencement of any work, and

FURTHER RESOLVED that in the event that the owner fails to comply with this order, the Town will have the structures removed and all expenses incurred by the Town shall be borne by the property owner.

MOTION WITHDRAWN – Supervisor Balland withdrew her motion and Councilperson Gardner concurred. The consensus of the Town Board was to table this item and that the property owner had two weeks to make significant improvements to the property.

NEW BUSINESS

RESOLUTION NO. 237-04

CHEMUNG COUNTY HUMANE SOCIETY & SPCA CONTRACT FOR 2005 APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS the Town Board requested a proposal from the Chemung County Humane Society & SPCA for the purposes of conducting dog control, and

WHEREAS for environmental review purposes the Town Board finds this to be Type II administrative action pursuant to 6NYCRR 617.5(c)(19) and as such, no environmental review is required, now

BE IT THEREFORE RESOLVED, the Town Board authorizes the Town Supervisor to enter into an agreement with the Chemung County Humane Society & SPCA for the purposes of conducting dog control at a cost not-to-exceed \$15,027.70 for the 2005 calendar year.

CARRIED: AYES: Gardner, Kaner, Balland

NAYS: None

ABSENT: Frisbie, Fairbrother

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

RESOLUTION NO. 238-04
NEW YORK STATE ARCHIVES GRANT APPLICATION AUTHORIZED

Resolution by: Gardner

Seconded by: Kaner

WHEREAS New York State Archives is offering grant money for Geographical Information Services (GIS) mapping, and

WHEREAS the Town has determined a need for improved GIS mapping capabilities, and

WHEREAS the deadline for the application is December 1, 2004, and

WHEREAS for environmental review, this is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Supervisor and Records Management Officer be authorized to sign the grant application for New York State Archives.

CARRIED: AYES: Gardner, Kaner, Balland

NAYS: None

ABSENT: Frisbie, Fairbrother

RESOLUTION NO. 239-04
SPECIAL USE PERMIT REQUEST BY GRIFFITH ENERGY, INC. FOR A FUEL STORAGE
TERMINAL PUBLIC HEARING APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS the Planning Board has reviewed an application from Griffith Energy, Inc., 3351 State Route 352, for a Fuel Storage Terminal to have a liquid propane (LP) distribution facility located adjacent to their existing tank farm on tax parcel # 76.01-1-2.2, and

WHEREAS the parcel is located in the Industrial (I) district and a Fuel Storage Terminal is a permitted use by both site plan approval by the Planning Board and Special Use Permit approval by the Town Board, and

WHEREAS pursuant to Resolution P89-2004 the Planning Board, at its November 16, 2004 meeting, referred the application to this Board for consideration and approval of the proposed project, and

WHEREAS for environmental review purposes this is an Unlisted Action and the Planning Board is the Lead Agency and as such has completed the environmental assessment and has determined no significant adverse environmental impacts associated with this proposed use, and

WHEREAS a public hearing is required for any action of a Special Use Permit, now

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

RESOLUTION NO. 239-04, SPECIAL USE PERMIT REQUEST BY GRIFFITH ENERGY, INC. FOR A FUEL STORAGE TERMINAL PUBLIC HEARING APPROVED continued

BE IT THEREFORE RESOLVED that this Board sets a Public Hearing for December 8, 2004, at 4:33 p.m. or as soon thereafter as possible to allow and consider comments on the proposed use of a Fuel Storage Terminal for Griffith Energy, Inc.

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None

ABSENT: Frisbie, Fairbrother

RESOLUTION NO. 240-04
RECOGNIZING LOG CABIN ROAD, BRIAR LANE, MANOR DRIVE, AND CAYUGA
DRIVE AS TOWN ROADS APPROVED

Resolution by: Balland
Seconded by: Kaner

WHEREAS it has been determined that Log Cabin Road, Briar Lane, Manor Drive and Cayuga Drive are not included on the Town of Big Flats Highway Inventory filed with the New York State Department of Transportation (NYSDOT), and

WHEREAS it has been determined that Log Cabin Road, Briar Lane, Manor Drive and Cayuga Drive are and have been maintained by the Town of Big Flats as Town owned roads, and

WHEREAS a Town Board resolution must be submitted to the NYSDOT as proof for any addition to the NSYDOT Highway Inventory, and

WHEREAS for environmental review, highway inventory is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that Log Cabin Road, Briar Lane, Manor Drive and Cayuga Drive be acknowledged as Town Roads for the purpose of NYSDOT Highway Inventory.

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None

ABSENT: Frisbie, Fairbrother

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

RESOLUTION NO. 241-04
HIGHWAY FUND BUDGET TRANSFER APPROVED

Resolution by: Balland
Seconded by: Gardner

WHEREAS the Town Board adopted Resolution No. 227-04 approving a budget transfer, and

WHEREAS said account was inaccurate, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board rescinds Resolution No. 227-04, and

FURTHER RESOLVED the Town Board authorizes the following budget transfer:

FROM:	Machinery	D5130.0400	\$600.00
TO:	Miscellaneous	D5140.0400	\$600.00

and

FROM:	Snow Removal	D5142.0400	\$12,000.00
TO:	General Repairs	D5110.0400	\$12,000.00

CARRIED:	AYES: Gardner, Kaner, Balland	ABSENT: Frisbie, Fairbrother
	NAYS: None	

PROPOSED RESOLUTION NO. 242-04
GENERAL FUND BUDGET TRANSFER APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS the Town Board determined that a transfer is necessary for the New York State Employee Retirement System, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following General Fund budget transfer:

FROM:	Workers Comp Ins	A9040.0800	\$3,048.39
TO:	NYS Retirement & Employers	A9010.0800	\$3,048.39

CARRIED:	AYES: Gardner, Kaner, Balland	ABSENT: Frisbie, Fairbrother
	NAYS: None	

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

RESOLUTION NO. 243-04
WATER DISTRICT #4 BUDGET TRANSFER APPROVED

Resolution by: Gardner
Seconded by: Kaner

WHEREAS the Town Board has determined it necessary to complete a budget transfer for Water District #4, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget transfer:

Water District #4			
FROM:	Source of Supply	\$48300.0400	\$800.00
TO:	Administration	\$48310.0400	\$800.00

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None ABSENT: Frisbie, Fairbrother

RESOLUTION NO. 244-04
ABSTRACT OF AUDITED VOUCHERS FOR NOVEMBER 2004 APPROVED

Resolution by: Kaner
Seconded by: Gardner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for November 2004, vouchers 2202 - 2345, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$58,001.73
HIGHWAY FUND	\$46,243.51
WATER DISTRICT #1	\$ 4,158.52
WATER DISTRICT #2	\$ 3,032.70
WATER DISTRICT #3	\$ 982.28
WATER DISTRICT #4	\$ 150.02
CAPITAL PROJECT #6	\$ 3,870.98
LIGHTING DISTRICT	\$ 645.72
TRUST & AGENCY	\$ 1,237.25

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None ABSENT: Frisbie, Fairbrother

CORRESPONDENCE

Price Changes/Time Warner Cable. A letter was received from Time Warner Cable, dated November 2, 2004, notifying the Town Supervisor that they will implement price changes on some services beginning January 2005.

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

Kahler Road Speed Limit – County Route 64 (Main Street)/NYSDOT. A copy of a letter written to Timothy Von Neida – Chemung County Department of Public Works Commissioner, from New York State Department of Transportation, dated November 15, 2004, was received stating that Kahler Road was designed for 50 MPH during the recent interchange project; therefore, a reduction in speed limit could not be approved at this time. However, based on further review of the speed limit on County Route 64 (Main Street) at Hammond Street to Winters Road the decision is to grant the extension of the 30 MPH zone.

Councilperson Gardner, seconded by Councilperson Fairbrother, made a motion to adjourn the Town Board meeting at 5:14 p.m. All in favor, except Councilperson Frisbie and Fairbrother were absent. Motion carried.

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 5:14 p.m.

NEW BUSINESS

RESOLUTION NO. 245-04 WATER DISTRICT NO. 2 EXTENSION PUBLIC HEARING APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS the boundaries of the proposed extension to said district are set forth and described in the following:

All that tract or parcel of land situate in the Town of Big Flats, County of Chemung, State of New York, all as shown on a plan entitled “Town of Big Flats Water District #2 Extension”, prepared by Allen Engineering dated 9/14/04, having Drawing No. JOB# 02-0395 and being more particularly bounded and described as follows:

Beginning at a point in the northerly line of Sing Sing road a distance of approximately 850 ft. northeasterly of the northerly line of the extension of Big Flats Water District #2 dated March 27, 1991, said point also being the southeast corner of Tax Map parcel No. 57.02-1-68.00; thence proceeding the following courses and distances;

North 63 degrees, West 980.31 feet to a point, thence; North 3 degrees, West 84.85 feet to a point, thence; North 8 degrees, East 12.82 feet to a point, thence; South 76 degrees, East 1,066.50 feet to a point, thence; North 30 degrees, East 193.64 feet along the northerly line of Sing Sing Road to a point, thence; North 2 degrees, West 171.64 feet to a point, thence; North 89 degrees, West 97.28 feet to a point, thence; North 29 degrees, East 255.24 feet to a point, thence; South 61 degrees, East 175.89 feet to a point, thence; North 30 degrees, East 28.40 feet to a point, thence; North 59 degrees, West 174.81 feet to a point, thence; North 30 degrees, East 158.95 feet to a point, thence; South 62 degrees, East 173.67 feet to a point, thence; North 30 degrees, East 535.59 feet to a point, thence; North 59 degrees, West 135.95 feet to a point, thence; North 34 degrees, West 75.48 feet to a point, thence; North 21 degrees, West 578.44 feet to a point, thence; South 88 degrees, East 366.71 feet to a point, thence; South 84 degrees, East 354.65 feet to a point, thence; North 30 degrees, East 421.83

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

RESOLUTION NO. 245-04, WATER DISTRICT NO. 2 EXTENSION PUBLIC HEARING
APPROVED continued

feet along the northerly line of Sing Sing Road to a point, thence; North 60 degrees, West 163.89 feet to a point, thence; North 28 degrees, East 281.57 feet to a point, thence; North 31 degrees, East 234.15 feet to a point, thence; South 56 degrees, East 161.03 feet to a point, thence; North 30 degrees, East 148.77 feet to a point, thence; North 63 degrees, West 181.83 feet to a point, thence; North 39 degrees, East 83.84 feet to a point, thence; South 62 degrees, East 168.41 feet to a point, thence; North 30 degrees, East 288.43 feet along the northerly line of Sing Sing Road to a point, thence; South 89 degrees, West 156.30 feet to a point, thence; North 12 degrees, East 108.57 feet to a point, thence; North 18 degrees, East 86.89 feet to a point, thence; South 65 degrees, East 174.88 feet to a point, thence; North 17 degrees, East 136.80 feet along the northerly line of Sing Sing road to a point, thence; North 12 degrees, East 109.56 feet along the northerly line of Sing Sing Road to a point, thence; North 5 degrees, East 72.85 feet along the northerly line of Sing Sing Road to a point, thence; North 72 degrees, West 147.40 feet to a point, thence; North 14 degrees, East 178.10 feet to a point, thence; South 90 degrees, East 150.60 feet to a point, thence; North 13 degrees, East 67.59 feet along the northerly line of Sing Sing Road to a point, thence; North 7 degrees, East 86.89 feet along the northerly line of Sing Sing Road to a point, thence; South 89 degrees, West 1207.62 feet to a point, thence; North 4 degrees, East 665.52 feet to a point, thence; North 89 degrees, East 1,157.17 feet to a point, thence; North 75 degrees, East 53.76 feet to a point, thence; South 14 degrees, East 93.62 feet to a point, thence; South 4 degrees, East 169.16 feet to a point, thence; South 6 degrees, West 264.91 feet to a point, thence; South 33 degrees, East 157.14 feet chord with arc length of 181.92 to a point, thence; North 88 degrees, East 236.44 feet along the northerly line of Sing Sing Road to a point, thence; North 28 degrees, West 138.36 feet to a point, thence; North 2 degrees, East 126.98 chord w/arc length of 131.55 to a point, thence; North 89 degrees, East 269.52 to a point, thence; South 0.00 degrees, East 127.52 to a point, thence; North 89 degrees, East 246.48 to a point, thence; North 1 degree, East 87.26 feet to a point, thence; North 90 degrees, East 179.91 feet to a point, thence; South 1 degree, East 9.63 feet to a point, thence; North 89 degrees, East 311.54 feet to a point, thence; South 2 degrees, East 198.52 feet to a point, thence; North 89 degrees, East 99.01 feet along the northerly line of Sing Sing Road to a point, thence; South 11 degrees, East 51.82 feet to a point, thence; South 26 degrees, East 142.17 feet to a point, thence; North 86 degrees, East 212.27 feet to a point, thence; South 14 degrees, East 193.65 feet to a point, thence; South 85 degrees, West 43.77 feet to a point, thence; South 25 degrees, East 228.86 feet to a point, thence; South 45 degrees, East 56.72 feet to a point, thence; South 26 degrees, East 243.85 feet to a point, thence; North 65 degrees, East 162.92 feet to a point, thence; South 13 degrees, West 173.09 feet chord with arc length of 191.39 along Garden Lane to a point, thence; South 64 degrees, West 58.89 feet along Garden Lane to a point, thence; South 26 degrees, East 301.13 feet to a point, thence; North 64 degrees, East 361.25 feet to a point, thence; South 20 degrees, East 699.35 feet to a point, thence; South 75 degrees, East 1,856.39 feet to a point, thence; North 22 degrees, East 290.67 feet to a point, thence; South 62 degrees, East 1,226.58 feet to a point, thence; South 51 degrees, West 1,260.76 feet to a point, thence; North 62 degrees, West 596.50 feet to a point, thence; South 22 degrees, West 1,468.35 feet to a point, thence; North 76 degrees, West 922.79 feet to a point, thence; South 7 degrees, West 348.58 feet chord with arc length of 352.57 along Chamber Road to a point, thence; South 90 degrees, West 790.83 feet along the south line of Schweitzer Road to a point, thence; South 51 degrees, West 1,089.63 feet to a point, thence;

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

RESOLUTION NO. 245-04, WATER DISTRICT NO. 2 EXTENSION PUBLIC HEARING
APPROVED continued

South 87 degrees, West 152.84 feet to a point, thence; South 51 degrees, West 874.14 feet to a point, thence; South 1 degree, East 1,889.52 feet to a point, thence; South 89 degrees, West 2,220.97 feet to a point, thence; South 49 degrees, West 1,752.98 feet to a point, thence; South 7 degrees, East 465.16 feet to a point in the southerly boundary of Route 17, thence; South 74 degrees, West 2,814.43 along the southerly boundary of Route 17, thence; North 12 degrees, East 318.62 feet to a point, thence; South 74 degrees, West 31.60 feet to a point, thence; North 10 degrees, East 204.96 feet to a point, thence; North 0 degrees, West 208.37 feet to a point, thence; North 87 degrees, East 18.29 feet to a point, thence; North 21 degrees, East 648.94 feet to a point, thence; North 18 degrees, East 378 feet to a point, thence; South 70 degrees, East 35.34 feet to a point in the westerly line of Kahler Road to a point, thence; North 17 degrees, East 706.52 feet along the westerly line of Kahler Road to a point, thence; North 8 degrees, East 989.67 along the westerly line of Kahler Road to a point, thence; North 85 degrees, East 227.66 feet along the southerly boundary of Water District #2 to a point, thence; North 76 degrees, East 480.11 feet along the southerly boundary of Water District #2 to a point, thence; North 67 degrees, East 266.86 feet along the southerly boundary of Water District #2 to a point, thence; North 58 degrees, East 1,216.74 feet along the southerly boundary of Water District #2 to a point, thence; North 55 degrees, East 203.19 feet along the southerly boundary of Water District #2 to a point, thence; North 45 degrees, East 380.41 feet along the southerly boundary of Water District #2 to a point, thence; North 35 degrees, East 272.02 along the southerly boundary of Water District #2 to a point, thence; South 45 degrees, East 419.61 feet along the boundary of Water District #2 to a point, thence; North 44 degrees, East 715 feet along the boundary of Water District #2 to a point, thence; North 44 degrees, West 236.60 feet along the boundary of Water District #2 to a point, thence; South 45 degrees, West 465.94 feet along the boundary of Water District #2 to a point, thence; North 46 degrees, 400.35 feet to a point in the southerly line of Sing Sing Road, thence; North 34 degrees, East 427.69 feet along the southerly boundary of Sing Sing Road to a point, thence; North 29 degrees, East 994.68 along the southerly boundary of Sing Sing Road to a point, thence; North 89 degrees, East 391.72 feet to a point, thence; North 69 degrees, West 110.55 feet to a point, thence; South 20 degrees, West 48.42 feet to a point, thence; North 55 degrees, West 46.26 feet to a point, thence; North 31 degrees, East 40.76 feet to a point, thence; North 66 degrees, West 53.53 feet to a point, thence; South 30 degrees, West 970 feet along the northerly line of Sing Sing Road to the point and place of beginning.

This parcel having an area of 959.048 acres.

Excepting and reserving the following parcels which fall within these boundaries:

Tax Map Parcel No. 47.04-01-90.00 bounded and described as follows:

Beginning at the point of intersection of Sing Sing Road and Chambers Road and proceeding thence; South 25 degrees East along the southwesterly line of Chambers Road a distance of 220.18 feet to a point, thence; South 89 degrees West a distance of 328.45 feet to a point, thence; North 1 degree West a distance of 199.63 feet to a point in the south line of Sing Sing Road, thence; North 89 degrees East along the south line of Sing Sing Road a distance of 236.93 feet to the point and place of beginning. This parcel having an area of 1.297 acres.

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

RESOLUTION NO. 245-04, WATER DISTRICT NO. 2 EXTENSION PUBLIC HEARING
APPROVED continued

Tax Map Parcel No. 47.04-01-94.00 bounded and described as follows:

Beginning at a point in the south line of Sing Sing Road 646.16 feet westerly from its' intersection with the southwesterly line of Chambers Road and proceeding thence; North 89 degrees East along the southerly line of Sing Sing Road a distance of 142.23 feet to a point, thence; South 1 degree East a distance of 199.24 feet to a point, thence; South 89 degrees West a distance of 57.97 feet to a point, thence; North 23 degrees West a distance of 215.52 feet to the point and place of beginning. This parcel having an area of 0.456 acres.

Tax Map Parcel No. 57.02-2-64.21 and Tax Map Parcel No. 57.02-2-64.22 together bounded and described as follows:

Beginning at a point in the northerly line of Airport Road, said point being 310.58 feet easterly of the southeasterly line of Sing Sing road, and proceeding thence; Northerly a distance of 237.11 feet to a point, thence; Easterly a distance of 110.85 feet to a point, thence; Southerly a distance of 229.87 feet to a point in the northerly line of Airport Road, thence; Westerly a distance of 108.19 feet to the point and place of beginning. This parcel having an area of 0.587 acres.

Subdivision Exclusion bounded and described as follows:

Beginning at a point in the southeasterly line of Sing Sing Road, said point being 470 feet southwesterly of the south line of Lewis Lane, and proceeding thence; North 89 degrees East a distance of 183.31 feet to a point, thence; North 29 degrees East a distance of 474.29 feet to a point, thence; North 89 degrees East a distance of 977.94 feet to a point, thence; North 0 degrees East a distance of 238.18 feet to a point, thence; North 89 degrees East a distance of 582.35 feet to a point, thence; North 19 degrees West a distance of 915.56 feet to a point, thence; North 5 degrees West a distance of 366.40 feet to a point, thence; North 7 degrees West a distance of 757.44 feet to a point in the south line of Sing Sing Road, thence; South 89 degrees West along the south line of Sing Sing Road a distance of 210.89 feet to a point, thence; South 52 degrees West along the chord of an arc a distance of 107.10 feet to a point, thence; South 11 degrees West along the southeasterly line of Sing Sing Road a distance of 449.79 feet to a point, thence; South 14 degrees West a distance of 155.15 feet to a point, thence; South 20 degrees West a distance of 67.49 feet to a point, thence; South 30 degrees West a distance of 531.78 feet to a point, thence; South 60 degrees East a distance of 167.88 feet to a point, thence; South 29 degrees West a distance of 980.31 feet to a point, thence; North 61 degrees West a distance of 160.57 feet to a point, thence; South 30 degrees West a distance of 696.10 feet to the point and place of beginning. This parcel having an area of 41.226 acres. Subject to any easements or encumbrances of record.

WHEREAS a map, plan and report detailing said extension accompanied said petition, dated September 15, 2004, entitled "Town of Big Flats Proposed Extension to Water District #2, Allen Engineering Project #02-0395" for the property of the Big Flats Water District No. 2, Revision #1, prepared by Allen Engineering, a copy of which is on file with the Town Clerk; and

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

RESOLUTION NO. 245-04, WATER DISTRICT NO. 2 EXTENSION PUBLIC HEARING
APPROVED continued

WHEREAS the improvements proposed consist of the construction of a water system serving said proposed extension said proposed extension area at the approximate locations and in the manner set forth and described in said map, plan and report, and

WHEREAS the maximum amount proposed to be expended for such improvement is \$5000.00; the estimated cost of hook up fees is \$2500.00 and the estimated cost of the extension to the typical property and, if different, the typical one or two family home will be as follows: 1) estimated share of extension costs is \$107.00, 2) estimated water usage fee / year is \$115.00, 3) estimated share of associated with existing district improvements is \$22.00, Total estimated first year charges are \$244.00, and

WHEREAS no financing is necessary to complete such improvement, and

WHEREAS the above action is an Unlisted action for the purposes of SEQRA, with the Town of Big Flats Town Board hereby being declared the lead agency thereon; and

WHEREAS the Town will make a determination if the implementation of the subject action will result in any significant adverse impact on the environment upon the completion of the public hearing set herein; now

BE IT THEREFORE RESOLVED pursuant to Town Law Section 193 that the Town Board of the Town of Big Flats shall meet at the Town Hall, located at 476 Maple Street, Town of Big Flats, on the 8th Day of December 2004, at 4:35 o'clock P.M. for the purpose of conducting a public hearing on the proposal to extend Water District No. 2 as specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby ordered and authorized to publish a copy of this Order in the official paper for the Town, as required and provided for by law, and

BE IT FURTHER RESOLVED that the Town Clerk shall file a certified copy of this order with the State Comptroller's Office as required and provided by law.

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None

ABSENT: Frisbie, Fairbrother

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

RESOLUTION NO. 246-04

WATER DISTRICT NO. 2 EXTENSION FOR SYNTHES PUBLIC HEARING APPROVED

Resolution by: Balland

Seconded by: Gardner

WHEREAS a petition for an extension to Water District No. 2 has been presented and filed with the Town Board on or about November 18, 2004, and

WHEREAS the boundaries of the proposed extension to said district are set forth and described in the following:

All that tract or parcel of land situate in the Town of Big Flats, County of Chemung, State of New York, all as shown on a plan entitled "District Extension for Synthes (USA), Town of Big Flats", prepared by Fagan Engineers dated November 2004, Project No. 2001-110 and being more particularly bounded and described as follows:

All that tract or parcel of land lying in the Town of Big Flats, County of Chemung and State of New York bounded and described as follows:

Beginning at a point being the intersection of County Route No. 17 (Sing Sing Road) and County Route No. 43 (Airport Road); thence N. 82-20-09 W. a distance of 30.21 feet across Sing Sing Road to a point on the existing water district No. 2 boundary and the westerly right-of-way line of Sing Sing Road; thence N. 82-20-09 W. a distance of 635.68 feet along the project parcel southern property line; thence N. 82-20-09 W. a distance of 435.36 feet along the project parcel southern property line; thence N. 82-20-09 W. a distance of 24.75 feet along the project parcel southern property line to the centerline of Yawger Road; thence N. 08-59-57 E. a distance of 1,244.81 feet along the centerline of Yawger Road which is the westerly property line of the project parcel; thence S. 81-00-03 W. a distance of 24.75 feet from centerline of Yawger Road; thence S. 81-00-03 E. a distance of 443.80 feet from the right-of-way of Yawger Road along the northerly property line of the project parcel; thence S. 09-23-47 W. a distance of 298.94 feet along the northeasterly property line of the project parcel; thence S. 51-12-52 E. a distance of 1,010.88 feet to the right-of-way of Sing Sing Road; thence S. 51-12-52 E. a distance of 23.22 feet to the right-of-way of Sing Sing Road to the centerline; thence S. 39-05-53 W. a distance of 336.35 feet along the centerline of Sing Sing Road; thence S. 40-56-17 W. a distance of 150.55 feet along the centerline of Sing Sing Road to the point and place of beginning.

WHEREAS a map, plan and report detailing said extension accompanied said petition, dated November 2004, entitled "District Extension for Synthes (USA), Town of Big Flats", prepared by Fagan Engineers dated November 2004, Project No. 2001-110, a copy of which is on file with the Town Clerk; and

WHEREAS the improvements proposed consist of the construction of a water system serving said proposed extension said proposed extension area at the approximate locations and in the manner set forth and described in said map, plan and report, and

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 23, 2004

RESOLUTION NO. 246-04, WATER DISTRICT NO. 2 EXTENSION FOR SYNTHESIS
PUBLIC HEARING APPROVED continued

WHEREAS the maximum amount proposed to be expended for such improvement is \$0; the estimated cost of hook up fees is \$650.00 and the estimated cost of the extension to the typical property and, if different, the typical one or two family home, \$0, the annual estimated usage charge is \$7,500.00, and

WHEREAS no financing is necessary to complete such improvement, and

WHEREAS the above action is an Unlisted action for the purposes of SEQRA, with the Town of Big Flats Town Board hereby being declared the lead agency thereon; and

WHEREAS the Town will make a determination if the implementation of the subject action will result in any significant adverse impact on the environment upon the completion of the public hearing set herein; and

THEREFORE NOW BE IT RESOLVED pursuant to Town Law Section 193 that the Town Board of the Town of Big Flats shall meet at the Town Hall, located at 476 Maple Street, Town of Big Flats, on the 8th day of December 2004, at 4:37 o'clock P.M. for the purpose of conducting a public hearing on the proposal to extend Water District No. 2 as specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby ordered and authorized to publish a copy of this Order in the official paper for the Town, as required and provided for by law, and

BE IT FURTHER RESOLVED that the Town Clerk shall file a certified copy of this order with the State Comptroller's Office as required and provided by law.

CARRIED: AYES: Gardner, Kaner, Balland
NAYS: None

ABSENT: Frisbie, Fairbrother

Since there was no further business to come before the Board, Councilperson Gardner made a motion, seconded by Councilperson Kaner, to adjourn the meeting at 5:16 p.m. All in favor, except Councilperson Frisbie and Fairbrother were absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD WORKSHOP OF DECEMBER 8, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Dean Frisbie
 Leonard Kaner
 Attorney Thomas Reed
 Clerk Teresa Dean

ABSENT: Council Edward Fairbrother

Supervisor Balland called the Town Board meeting to order at 4:33 p.m. and requested participation in the Pledge of Allegiance.

REPORTS

The following reports for November 2004 are on file in the office of the Town Clerk:
Town Clerk's monthly report; Supervisor's Fund Balance Report; Justice Court monthly report; Building Department/Code Enforcement monthly report; Assessor's monthly report; Youth Commission minutes; SPCA/Agriculture and Market monthly report; Department of Public Works monthly report; Community Center.

PUBLIC HEARING: 4:33 P.M. Griffith Energy, Inc. Special Permit

Attorney Reed called the Public Hearing to order at 4:35 p.m. and read the legal notice published in the Elmira Star Gazette on November 30, 2004, to allow and consider public comments concerning the proposed Griffith Energy, Inc. Special Permit request for fuel storage terminal at their facility located at 3351 State Route 352.

IN FAVOR: None

OPPOSITION: None

COMMENTS: Brian McDonald, representing Griffith Energy, Inc., stated that they are in favor of the application and that they are all set and ready to go. Attorney Reed asked what Mr. McDonald meant by set and ready to go – did you start construction? Mr. McDonald stated a little construction began – the foundations are in and the tanks are on the foundations.

Since there were no further comments, the Public Hearing was closed at 4:37 p.m.

PUBLIC HEARING: 4:35 P.M. Water District No. 2 Amendment

Attorney Reed called the Public Hearing to order at 4:37 p.m. and read the legal notice published in the Elmira Star Gazette on November 30, 2004, to allow and consider public comments concerning the proposed Water District No. 2 Amendment.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 4:38 p.m.

MINUTES OF TOWN BOARD WORKSHOP OF DECEMBER 8, 2004

PUBLIC HEARING: 4:35 P.M. Water District No. 2 – SYNTHES USA

Attorney Reed called the Public Hearing to order at 4:38 p.m. and read the legal notice published in the Elmira Star Gazette on November 30, 2004, to allow and consider public comments concerning the proposed Water District No. 2 Extension for SYNTHES USA.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 4:40 p.m.

REPORTS

Supervisor Balland also provided the following updates:

- Organizational meeting is scheduled for January 5, 2005 at 4:30 p.m.;
- After having discussions with other municipalities and the County, the consensus was the State salt bid was more financially feasible;
- Cornell Local Government Program released their winter road maintenance assessment report pertaining to highway departments;
- E-mail correspondences have been received regarding Parks Commission and the recommendation of the 2005 Chairperson.

Councilperson Frisbie stated that, as liaison he was not present at the November Parks Commission meeting; however, he plans to speak with the Parks Commission at their December meeting and report back to the Town Board.

Supervisor Balland continued:

- There is a meeting planned to discuss County centralized services regarding tax collection;
- CSEA took exception to the holiday schedule; therefore the Commissioner of Public Works will be meeting with Shawn Lucas to discuss this issue.

Supervisor Balland explained that last Friday she became aware that Tag is in the process of asking for a variance of the State building code. The hearing will take place on December 10, 2004 in Rochester and if the variance is granted it would eliminate the requirements of a sprinkler system. The State does require the local municipality to fill out a checklist and that had been completed; however, Supervisor Balland felt that a letter should be forwarded regarding the opinion of the Town Board. After speaking with members of the Town Board, Supervisor Balland sent a letter stating the Town was in favor of a sprinkler system. Councilperson Frisbie asked why the Town Board was just being made aware of the variance request when construction has been taking place since September. Chuck Coons, Director of Building Inspection/Code Enforcement, stated the variance was a building code issue and he has been working with the applicant and State agencies since August or September.

MINUTES OF TOWN BOARD WORKSHOP OF DECEMBER 8, 2004

Tag, owner of Tag's Lodge on the Green, stated that the project began in mid September. On or about September 20th he received a quote for the sprinkler system and felt due to the cost, it was not feasible. Tag explained that due to the cost of the sprinkler system there has to be other safety measures that equate to the safety of an affordable manner. Attorney Reed asked if a variance is not granted, what are the plans? Tag felt the next step would be to hire a mechanical engineer and have a system designed and installed by his staff. He continued by explaining the addition was for a banquet room, not a bar. The plans are to gear his business more toward the food industry. Tag requested that the Town Board rescind their letter and requested that Town support the project and variance request. Supervisor Balland requested the Town Board contact her prior to end of day on December 9, 2004 with any comments they may have as to whether or not the Town Board will support the variance request.

CONCERNS OF THE PEOPLE

Gary Bernhardt, 809 Harris Hill Road, stated his concern with the newspaper article that stated Kahler Road speed limit designation signs would be removed and Kahler Road appears to be 50 MPH speed limit.

OLD BUSINESS

Sykora Property. A memo was received from Chuck Coons, dated December 8, 2004, regarding the status of an inspection of the property located at 78 Hammond Street. It was determined that work has commenced, electrical inspection survey conducted on December 6, 2004, and Fagan Engineers has been retained to conduct a structural inspection.

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to table action on this item pending further inspections and reports to determine whether or not the structure is unsafe and dangerous until the December 29, 2004 Town Board meeting. All in favor, except Councilperson Fairbrother was absent. Motion carried.

RESOLUTION NO. 247-04 SPECIAL USE PERMIT FOR GRIFFITH ENERGY, INC.

Resolution by: Balland

Seconded by: Kaner

WHEREAS the Planning Board has reviewed an application from Griffith Energy, Inc., 3351 State Route 352, for a Fuel Storage Terminal to have a liquid propane (LP) distribution facility located adjacent to their existing tank farm on tax parcel # 76.01-1-2.2, and

WHEREAS the parcel is located in the Industrial (I) district and a Fuel Storage Terminal is a permitted use requiring both site plan approval by the Planning Board and Special Use Permit approval by the Town Board, and

WHEREAS the Planning Board, at its December 7, 2004 meeting, approved the site plan for a Fuel Storage Terminal as proposed and recommended the Town Board approve the Special Use Permit at the Planning Board's December 7, 2004 meeting, and

MINUTES OF TOWN BOARD WORKSHOP OF DECEMBER 8, 2004

RESOLUTION NO. 247-04, SPECIAL USE PERMIT FOR GRIFFITH ENERGY, INC.
continued

WHEREAS the Chemung County Planning Board reviewed this application on November 18, 2004 and determined no adverse environmental impacts to state and county interests, and

WHEREAS for environmental review purposes this is an Unlisted Action and the Planning Board is the Lead Agency and as such has completed the environmental assessment and has determined no significant adverse environmental impacts associated with this proposed use, and this Board adopts the environmental findings of the Planning Board, and

WHEREAS a public hearing was duly held on December 8, 2004, now

BE IT THEREFORE RESOLVED the Town Board approves the Special Use Permit for Griffith Energy, Inc., for the use of a Fuel Storage Terminal on the condition the applicant operate the fuel storage terminal in full compliance with any and all federal and/or state rules, statutes, regulations or like other regulator requirements, and

FURTHER RESOLVED any modifications of the use are subject to Town Planning Board review and approval, as well as Town Board Special Use Permit review and approval.

MOTION WITHDRAWN – Supervisor Balland withdrew her motion and Councilperson Kaner concurred.

Supervisor Balland made a motion, seconded by Councilperson Gardner, to table action on this item pending receipt of a reply by Charles Bliss, Regional Engineer for the Department of State until the December 29, 2004 Town Board meeting. All in favor, except Councilperson Fairbrother was absent. Motion carried.

NEW BUSINESS

RESOLUTION NO. 248-04
BIG FLATS AMERICAN LEGION BINGO LICENSE FOR 2005 APPROVED

Resolution by: Kaner

Seconded by: Frisbie

WHEREAS the Big Flats American Legion submitted an application for a Bingo License, and

WHEREAS the Deputy Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Bingo License, and

WHEREAS the Chemung County Sheriff's Department has conducted their investigation and determined the designated members conducting bingo games are of good moral character, and

MINUTES OF TOWN BOARD WORKSHOP OF DECEMBER 8, 2004

RESOLUTION NO. 248-04, BIG FLATS AMERICAN LEGION BINGO LICENSE FOR 2005
APPROVED continued

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the Application for Bingo License, dated November 10, 2004, from the Big Flats American Legion Post 1612 to perform bingo events as outlined in the application.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 249-04
BIG FLATS AMERICAN LEGION GAMES OF CHANCE LICENSE FOR 2005 APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS the Big Flats American Legion submitted an application for Games of Chance License, and

WHEREAS the Deputy Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

WHEREAS the Chemung County Sheriff's Department has conducted their investigation and determined the designated members conducting games of chance games are of good moral character, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the Application for Games of Chance License, dated November 10, 2004, from the Big Flats American Legion Post 1612 to perform games of chance events as outlined in the application.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD WORKSHOP OF DECEMBER 8, 2004

CORRESPONDENCE

Soaring Ridge Playground Petition Request. A petition was received from Deborah Smith, 11 Woodside Drive, with signatures supporting a playground for Soaring Ridge subdivision.

General Revenue Corp Public Hearing/CCIDA. A notice was received from Chemung County Industrial Development Agency informing the Town Board of a public hearing to be held on January 5, 2005 at 9:00 a.m. regarding General Revenue Corporation Project

Harris Hill Inn Liquor License Renewal Notice. A notice was received from John S. Power, received November 29, 2004, stating that they intend to renew the liquor license for Harris Hill Inn.

Papa Dale's Restaurant Liquor License Renewal Notice. A letter was received from William Dale, dated November 20, 2004, stating that they intend to renew the liquor license for Papa Dale's Restaurant.

Pipeline Safety Improvement Act Questionnaire/Dominion Transmission, Inc. A letter was received from Dominion Transmission, Inc., dated November 15, 2004, stating that they are in the process of evaluating areas where natural gas-pipeline operations are and requested information regarding property owned by the Town.

Councilperson Gardner made a motion, seconded by Councilperson Kaner to close the Town Board meeting at 5:29 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 5:29 p.m.

OLD BUSINESS

RESOLUTION NO. 251-04 AMENDMENT TO WATER DISTRICT NO. 2 EXTENSION APPROVED

Resolution by: Balland

Seconded by: Frisbie

WHEREAS, a petition dated September 15, 2004, was duly presented to the Town with the necessary map, plan and report attached thereto according to law, requesting that an extension to Water District No. 2, as hereinafter described, be established in the Town, and

WHEREAS, the Town Board duly adopted Resolution No. 245-04 at its regularly scheduled meeting on November 23, 2004, that recited in general terms the filing of said petition; set forth the boundaries of the proposed district extension, the improvements proposed and the estimated expenses associated therewith and that further specified December 8, 2004 at 4:35 p.m. as the time, and the Town Hall in the Town of Big Flats as the place, where the Town Board would

MINUTES OF TOWN BOARD WORKSHOP OF DECEMBER 8, 2004

RESOLUTION NO. 251-04, AMENDMENT TO WATER DISTRICT NO. 2 EXTENSION
APPROVED continued

meet to consider a Resolution to approve the extension of Water District No. 2 and to hear all persons interested in the subject thereof, concerning the same, and

WHEREAS, such Order and Notice of Hearing was duly posted and published as required by law, and is otherwise sufficient, and

WHEREAS, a hearing in the matter was duly held by the Board on this December 8, 2004, commencing at 4:35 p.m. at the Town Hall in the town and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, and

WHEREAS, the Town hereby determines upon review of the Short EAF dated December 8, 2004, accompanying said map, plan and report that this is an unlisted action for purposes of SEQRA; that the Town Board declares itself lead agency herein; that coordinated review is unnecessary and that the proposed action herein does not have a significant adverse impact upon the environment for purposes of SEQRA, now

BE IT THEREFORE RESOLVED AND DETERMINED, that (a) the aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient (b) the Notice of Hearing was published and posted as required by law, and is otherwise sufficient; (c) all the property and property owners within the proposed district extension are benefited thereby; (d) all the property and property owners benefited are included within the limits of the proposed district extension; and (e) it is in the public interest to grant in whole the relief sought, and

FURTHER RESOLVED, that the establishment of the proposed extension to Water District No. 2, as proposed, be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for, and shall be bounded and described as more fully set forth in the map, plan and report, entitled "Town of Big Flats Proposed Extension to Water District No. 2", prepared by Allen Engineering, a copy of which is on file with the Town Clerk, and

FURTHER RESOLVED, that the proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses shall be financed as follows: No financing required as there is no costs to the Water District associated with this extension, and

FURTHER RESOLVED the Town Clerk shall within ten days after the adoption of this Resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York, and the Office of the Chemung County Clerk in Elmira, NY pursuant to Town Law §194.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD WORKSHOP OF DECEMBER 8, 2004

RESOLUTION NO. 252-04
WATER DISTRICT NO. 2 EXTENSION, SYNTHES USA, APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS, a petition dated November 2004, was duly presented to the Town with the necessary map, plan and report, prepared by Fagan Engineers, dated November 2004, F.E. Project No. 2001-110, titled "District Extension Report for the SYNTHES (USA) Property of the Big Flats Water District No. 2" attached thereto according to law, requesting that an extension to Water District No. 2, as hereinafter described, be established in the Town, and

WHEREAS, the Town Board duly adopted Resolution No. 246-04 at its regularly scheduled meeting on November 23, 2004, that recited in general terms the filing of said petition; set forth the boundaries of the proposed district extension, the improvements proposed and the estimated expenses associated therewith and that further specified December 8, 2004 at 4:37 p.m. as the time, and the Town Hall in the Town of Big Flats as the place, where the Town Board would meet to consider a Resolution to approve the extension of Water District No. 2 and to hear all persons interested in the subject thereof, concerning the same, and

WHEREAS, such Order and Notice of Hearing was duly posted and published as required by law, and is otherwise sufficient, and

WHEREAS, a hearing in the matter was duly held by the Board on this December 8, 2004, commencing at 4:37 p.m. at the Town Hall in the town and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, and

WHEREAS, the Town hereby determines upon review of the Short EAF dated December 8, 2004, accompanying said map, plan and report that this is an unlisted action for purposes of SEQRA; that the Town Board declares itself lead agency herein; that coordinated review is unnecessary and that the proposed action herein does not have a significant adverse impact upon the environment for purposes of SEQRA, now

BE IT THEREFORE RESOLVED AND DETERMINED, that (a) the aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient (b) the Notice of Hearing was published and posted as required by law, and is otherwise sufficient; (c) all the property and property owners within the proposed district extension are benefited thereby; (d) all the property and property owners benefited are included within the limits of the proposed district extension; and (e) it is in the public interest to grant in whole the relief sought, and

FURTHER RESOLVED, that the establishment of the proposed extension to Water District No. 2, as proposed, be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for, and shall be bounded and described as more fully set forth in the map, plan and report, entitled "District Extension for Synthes (USA)", prepared by Fagan Engineers, a copy of which is on file with the Town Clerk, and

MINUTES OF TOWN BOARD WORKSHOP OF DECEMBER 8, 2004

RESOLUTION NO. 252-04, WATER DISTRICT NO. 2 EXTENSION, SYNTHES USA,
APPROVED continued

FURTHER RESOLVED, that the proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses shall be financed as follows: No financing required as there is no costs to the Water District associated with this extension, and

FURTHER RESOLVED the Town Clerk shall within ten days after the adoption of this Resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York, and the Office of the Chemung County Clerk in Elmira, NY pursuant to Town Law §194.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland

NAYS: None

ABSENT: Fairbrother

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to adjourn the meeting at 5:31 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF SPECIAL WATER BOARD MEETING OF DECEMBER 16, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Dean Frisbie
 Clerk Teresa Dean

ABSENT: Council Edward Fairbrother
 Leonard Kaner
 Attorney Thomas Reed

Supervisor Balland called the Special Water Board Meeting to order at 4:00 p.m.

RESOLUTION NO. 253-04
WATER DISTRIBUTION SYSTEM DEDICATION WITH EASEMENTS FOR
RAYMOUR AND FLANIGAN APPROVED

Resolution by: Balland

Seconded by: Gardner

WHEREAS R & F Big Flats, LLC. has offered to dedicate to the Town the water distribution system and easements located within the area known as Raymour and Flanigan as more fully described on maps and plans prepared by Stantec Consulting Group, Inc. dated June 2004, entitled "District Extension Report for the Raymour and Flanigan property of the Big Flats Water District No. 1", and

WHEREAS the Town Water Supervisor and Commissioner of Public Works have reviewed the proposed offer of dedication with easements and approves the same, and

WHEREAS this is a TYPE II action for purposes of SEQRA as it is a ministerial act that requires no further environmental review, now

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Town Water Supervisor and the Commissioner of Public Works, hereby accepts the offer of dedication of the water distribution system and easements, and

FURTHER RESOLVED the Town Supervisor is hereby authorized to execute and file any and all documents to effectuate the acceptance of said Water System and easements subject to the review and approval of the Attorney of the Town.

CARRIED: AYES: Gardner, Frisbie, Balland

NAYS: None

ABSENT: Fairbrother, Kaner

Supervisor Balland made a motion, seconded by Councilperson Gardner, to adjourn the meeting at 4:34 p.m. All in favor, except Councilperson Fairbrother and Kaner were absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF DECEMBER 29, 2004

PRESENT: Supervisor Mary Ann Balland
 Council Duane Gardner
 Leonard Kaner
 Dean Frisbie
 Edward Fairbrother
 Attorney Thomas Reed
 Clerk Teresa Dean

Supervisor Balland called the Town Board meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

MINUTES

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of November 23, 2004 as presented. All in favor, except Councilperson Fairbrother abstained. Motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Frisbie, to approve the minutes of December 8, 2004 as presented. All in favor, except Councilperson Fairbrother abstained. Motion carried.

Councilperson Gardner made a motion, seconded by Councilperson Frisbie, to approve the minutes of December 16, 2004 as presented. All in favor, except Councilperson Fairbrother abstained. Motion carried.

REPORTS

Supervisor Balland also provided the following updates:

- Grants either received or applied for:
 - State of New York Dormitory Authority – \$36,000.00 for Davenport Road,
 - Small Cities Grant – \$18,000.00 for the Town Center study,
 - New York State Archives – application submitted for \$15,000.00 for GIS;
- Special meeting and public hearing for January 11, 2005 at 6:00 p.m. regarding the Town Center study;
- Public meeting for January 31, 2005 regarding the comprehensive study;
- Any comments regarding the proposed salary schedule for 2005 – please notify the Town Supervisor immediately.

Councilperson Fairbrother reported that with upcoming projects the Town Supervisor, Director of Code Enforcement and he have discussed the proposal of hiring a planning consultant. For the commercial site plan projects the applicants would be required to pay for the consultant fees.

Supervisor Balland continued:

- Discussions are being held with Marc to discuss Town computers and software;
- Water District #4 pump burnt out on Christmas Day and was repaired the following day;
- The Town has received a proposal for insurance and the Town Supervisor, Attorney, and Commissioner will make a final recommendation on Thursday – December 30, 2004;

MINUTES OF TOWN BOARD MEETING OF DECEMBER 29, 2004

REPORTS continued:

- Flat screen monitors have been purchased and the goal is to purchase one more by the end of the year. Computers will be assembled and placed in the Highway and Drainage Departments;
- The current tax bill shows a tax levy increase of 12.4%; however, that is the increase in the tax levy – not the budget. The budget increase for the Town was 2.98%;
- Councilperson Frisbie has been conducting meetings regarding personnel issues.

CONCERNS OF THE PEOPLE. None.

OLD BUSINESS

RESOLUTION NO. 254-04 SPECIAL USE PERMIT FOR GRIFFITH ENERGY, INC. APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS the Planning Board has reviewed an application from Griffith Energy, Inc., 3351 State Route 352, for a Fuel Storage Terminal to have a liquid propane (LP) distribution facility located adjacent to their existing tank farm on tax parcel # 76.01-1-2.2, and

WHEREAS the parcel is located in the Industrial (I) district and a Fuel Storage Terminal is a permitted use requiring both site plan approval by the Planning Board and Special Use Permit approval by the Town Board, and

WHEREAS the Planning Board, at its December 7, 2004 meeting, approved the site plan for a Fuel Storage Terminal as proposed and recommended the Town Board approve the Special Use Permit at the Planning Board's December 7, 2004 meeting, and

WHEREAS the Chemung County Planning Board reviewed this application on November 18, 2004 and determined no adverse environmental impacts to state and county interests, and

WHEREAS for environmental review purposes this is an Unlisted Action and the Planning Board is the Lead Agency and as such has completed the environmental assessment and has determined no significant adverse environmental impacts associated with this proposed use, and this Board adopts the environmental findings of the Planning Board, and

WHEREAS a public hearing was duly held on December 8, 2004, now

BE IT THEREFORE RESOLVED the Town Board approves the Special Use Permit for Griffith Energy, Inc., for the use of a Fuel Storage Terminal on the condition the applicant operate the fuel storage terminal in full compliance with any and all federal and/or state rules, statutes, regulations or like other regulator requirements, and

MINUTES OF TOWN BOARD MEETING OF DECEMBER 29, 2004

RESOLUTION NO. 254-04, SPECIAL USE PERMIT FOR GRIFFITH ENERGY, INC.
APPROVED continued

FURTHER RESOLVED any modifications of the use are subject to Town Planning Board review and approval, as well as Town Board Special Use Permit review and approval.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

Notice of Violation and Order to Repair or Remove/Sykora Property. Phillip Carey, Second Chance Contracting, stated that the engineer report regarding the structure of 78 Hammond Street should be done within the next 2 weeks. Mr. Carey provided an outline showing the plans for the first and second floor. Supervisor Balland reported the Town had received concerns that the property appeared to be rat infested; therefore, requested an exterminator inspect the property and provide a letter to the Town Board of it's findings.

Councilperson Kaner stated that the buildings appear to be decaying and if that is the case, how could the building be repaired at the rate of waiting for paycheck to paycheck to purchase material. Mr. Carey stated that they have not received a building permit. Supervisor Balland asked if a purchase offer had been made for the property? Mike Yednak, representing the property owner, stated that no formal offer was made; however, at one time someone did offer the clear land value for the property.

Councilperson Gardner proposed the decision regarding this property be tabled until the report is received from Fagan Engineers. He also asked if anyone has determined what the estimated cost of repair would be. Mr. Carey stated he had estimated the cost to be \$10,000.00 and that does not include labor cost because he is donating his time and services. Material has been purchased over a period of time. As for rodents, he has only seen a raccoon. When Agway was purchased and renovated it appeared that rats had been chased from that property to the Sykora property; however, he has not seen any signs of rats.

Attorney Reed asked what was required prior to obtaining a building permit? Chuck Coons, Director of Building Inspection/Code Enforcement, stated there are a couple of facts that needed to be resolved prior to the issuance of a building permit.

Councilperson Kaner asked what the status was with the electric? Mr. Yednak reported that the breaker and meter boxes were based on the old codes; therefore, in the Spring – when the siding is being installed, the boxes will be replaced. Councilperson Kaner asked if the existing electric and boxes were safe to use? Mr. Carey stated that NYSEG had indicated that the existing electric is adequate for running power tools. Supervisor Balland stated that she could verify the safety concerns with NYSEG.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to table this item for 2 weeks and at that meeting if there was not significant repairs made a final determination would be made. All in favor, motion carried.

MINUTES OF TOWN BOARD MEETING OF DECEMBER 29, 2004

NEW BUSINESS

RESOLUTION NO. 255-04
COURT CLERK VACATION CARRY OVER APPROVED

Resolution by: Kaner
Seconded by: Gardner

WHEREAS the Town Employee Handbook permits an employee to carry over 150 vacation hours, and

WHEREAS a memo has been received from Helen Schwartz, Court Clerk, requesting authorization to carry over 20.5 hours of vacation time with the anticipation of using said vacation time during the month of January 2005, and

WHEREAS this is a ministerial action and for environmental purposes is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(19) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED that the Town Board authorizes Helen Schwartz to carry 20.5 vacation hours over to 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 256-04
ZONING BOARD OF APPEALS MEMBER RESIGNATION APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS a letter was received from Jack Wakefield, dated December 16, 2004, stating his resignation from the Zoning Board of Appeals as of December 31, 2004, and

WHEREAS this is an administrative action and for environmental purposes is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Jack Wakefield as a Zoning Board of Appeals member effective December 31, 2004 and request the Town Supervisor send a letter of appreciation for his time and services.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF DECEMBER 29, 2004

RESOLUTION NO. 257-04
PARKS COMMISSION MEMBER RESIGNATION APPROVED

Resolution by: Balland
Seconded by: Gardner

WHEREAS a notice was received from John Corkins, dated December 6, 2004, stating his resignation from Parks Commission as of January 1, 2005, and

WHEREAS this is an administrative action and for environmental purposes is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of John Corkins as a Parks Commission member effective January 1, 2005 and request the Town Supervisor send a letter of appreciation for his time and services.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

Road Acceptance Proposal/Soaring Ridge. This item was tabled for a future date.

RESOLUTION NO. 258-04
ORGANIZATIONAL MEETING DATE AND TIME APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has selected a date and time for the Town of Big Flats Organizational Meeting, and

WHEREAS this is a ministerial action and for environmental purposes is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(19) and as such no further review is necessary;

BE IT THEREFORE RESOLVED that the Town Board sets the Organizational Meeting for Wednesday, January 5, 2005 at 4:30 p.m.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF DECEMBER 29, 2004

RESOLUTION NO. 259-04
TRUCKING OF ROCK BY SILVERLINE CONSTRUCTION APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS New York State has stackable rock available free of charge, and

WHEREAS Mark Watts of Chemung County Soil and Water has made the rock available to Chemung County and the Towns, and

WHEREAS the Town has a need for said rock to be used in Brown Road creek, and

WHEREAS it will cost the Town approximately \$6,000 for 2 days of trucking the rock, and

WHEREAS trucking will be done by Silverline Construction, and

WHEREAS Larry Wagner, Commissioner of Public Works recommends the town hire Silverline Construction to truck the rock, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Silverline Construction to truck stackable rock for Brown Road creek at a cost of approximately \$6,000.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 260-04
HVAC MAINTENANCE AGREEMENT WITH AIR TEMP HEATING AND AIR
CONDITIONING, INC. APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS the Town Board authorized the construction of the Community Center and DPW buildings, and

WHEREAS at the request of the Commissioner of Public Works, Air Temp Heating and Air Conditioning, Inc. has submitted proposal #PC01953 to provide preventative maintenance service, and

WHEREAS the Commissioner of Public Works recommends the Town Board enter into a maintenance agreement with Air Temp Heating and Air Conditioning, Inc for the purpose of providing preventative maintenance on the HVAC systems within said buildings, and

MINUTES OF TOWN BOARD MEETING OF DECEMBER 29, 2004

RESOLUTION NO. 260-04, HVAC MAINTENANCE AGREEMENT WITH AIR TEMP HEATING AND AIR CONDITIONING, INC. APPROVED continued

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Air Temp Heating and Air Conditioning, Inc. for the purpose of providing preventative maintenance on the HVAC systems for the Community Center and DPW buildings at a cost of \$4,488.00 annually, beginning January 1, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 261-04
GENERAL FUND BUDGET TRANSFER APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

WHEREAS due to additional expenses, it has been determined that General Fund budget transfers are required, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget transfer:

FROM:	Contingency	A1990.0400	\$8,600.00
TO:	Town Clerk	A1410.0100	\$1,000.00
	Public Works Administration	A1490.0100	\$7,500.00
	Highway Superintendent	A5010.0400	\$100.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 262-04
AMENDMENT TO THE DEBT SERVICE FUND APPROVED

Resolution by: Kaner
Seconded by: Fairbrother

WHEREAS the Town Board determined that a Debt Service Fund transfer is necessary, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF DECEMBER 29, 2004

RESOLUTION NO. 262-04, AMENDMENT TO THE DEBT SERVICE FUND APPROVED
continued

BE IT THEREFORE RESOLVED the Town Board authorizes the following Debt Service Fund transfer:

	Increase Estimated Revenues	V0510	\$100,000.00
TO:	Interfund Transfer	V05031	\$100,000.00

	Increase Estimated Expenses	V0960	\$100,000.00
TO:	Serial Bonds	V9710.0600	\$100,000.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 263-04
2004 BUDGET AMENDMENT OF A CDBG TECHNICAL ASSISTANCE GRANT
APPROVED

Resolution by: Gardner
Seconded by: Frisbie

WHEREAS the Town of Big Flats has received a Community Development Block Grant for the purpose of conducting a Town Center Comprehensive Study, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following 2004 budget amendment:

	Increase Estimated Revenues	A0510	\$9,370.00
TO:	State Aid – Planning studies	A3902	\$9,370.00

	Increase Estimated Expenses	A0960	\$9,370.00
TO:	Engineering	A1440.0400	\$9,370.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF DECEMBER 29, 2004

RESOLUTION NO. 264-04
HIGHWAY FUND BUDGET TRANSFER APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS due to over-expenditure, it has been determined a Highway Fund budget transfer is required, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget transfer:

FROM:	Hosp. And Medical Insurance	D5110.0400	\$11,000.00
TO:	General Repairs	D5110.0400	\$11,000.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 265-04
2004 BUDGET AMENDMENT OF A DORMITORY AUTHORITY STATE OF NEW YORK
APPROVED

Resolution by: Frisbie
Seconded by: Gardner

WHEREAS the Town of Big Flats has received a reimbursement of Davenport Road construction from Dormitory Authority State of New York, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following 2004 budget amendment:

	Increase Estimated Revenues	D0510	\$36,000.00
TO:	Multimodal Transportation Program	D3505	\$36,000.00
	Increase Estimated Expenses	D0960	\$36,000.00
TO:	Improvements	D5112.0400	\$36,000.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF DECEMBER 29, 2004

RESOLUTION NO. 266-04
ABSTRACT OF AUDITED VOUCHERS FOR DECEMBER 2004 APPROVED

Resolution by: Fairbrother
Seconded by: Kaner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for December 2004, vouchers 2346 - 2452, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$396,503.52
HIGHWAY FUND	\$ 30,797.82
WATER DISTRICT #1	\$ 3,845.24
WATER DISTRICT #2	\$ 3,116.81
WATER DISTRICT #3	\$ 1,045.56
WATER DISTRICT #4	\$ 528.51
CAPITAL PROJECT #6	\$101,139.98
LIGHTING DISTRICT	\$ 645.72
TRUST & AGENCY	\$ 1,317.39

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

RESOLUTION NO. 267-04
SPECIAL MEETING AND PUBLIC HEARING APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town of Big Flats has received a grant from New York State Governor's Office for Small Cities 2005 Community Development Block Grant Program, and

WHEREAS an application will be submitted on or about April 4, 2005 for a community development activity, including the administration and program delivery of such in an amount not to exceed \$650,000, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves a special meeting for the purposes of conducting a Public Hearing on January 11, 2005 at 6:00 p.m. to be held in the Community Center.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF DECEMBER 29, 2004

CORRESPONDENCE

Deputy Town Clerk Position/Civil Service Commission. A letter was received from Chemung County/City of Elmira Regional Civil Service Commission, dated December 2, 2004, stating that the Rules for the Classified Service allows for the appointment of only one Deputy Town Clerk. A public hearing is being scheduled to request the State Civil Service approve up to three Deputy Town Clerks in the exempt class.

2004 Annual Aid Certification/NYS ORPS. A letter was received from the Office of Real Property Services, dated December 9, 2004, informing the Town that the 2004 Annual Aid Certification is complete and the Town will receive \$18,390.00 for 3,678 parcels.

Records Examination/D. Zimmerman. A letter was received from Dean Zimmerman, dated November 29, 2004, stating that records requested by review from Mr. Izzo are records he is entitled to review by New York State Law and that the rights of private citizen of the Town are not abridged.

Annual Continuing Education/FLBOA, Inc. A notice was received identifying that the Finger Lakes Building Officials Association, Inc. annual continuing education conference will be held on March 21 and 22, 2005.

Referendum Vote – Tanker Truck/BF Fire District #1. A Certificate of Inspection of Referendum Vote was received from Big Flats Fire District #1 held on November 30, 2004 which resulted in the approval of a purchase of a 2005 S-Fire 1800 gallon – 1000 GPM Tanker.

ECTC Long Range Plan Update/Bergmann Associates. A letter was received from Bergmann Associates, dated December 10, 2004, stating that the ECTC Long Range Plan regarding Big Flats has been edited.

Appreciation/RSVP. A letter was received from Retired and Senior Volunteer Program, dated November 17, 2004, thanking the Town for the use of the Community Center for the Bone Builders program.

General Revenue Corp. PILOT/CCIDA. A letter was received from George Miner – President of Chemung County Industrial Development Agency, dated December 13, 2004, regarding the proposed Payment-In-Lieu of Tax (PILOT) for General Revenue Corporation. Mr. Miner stated that the CCIDA invested \$275,000; therefore, will be reimbursed via a PILOT with General Revenue Corporation at \$55,000 annually.

Soaring Capital Field Use Request. A letter was received from James Reed, President of the Board of Directors of the Soaring Capital Soccer Club, dated December 15, 2004, requesting authorization to use some soccer field space. Supervisor Balland stated that this letter has been forwarded to the Parks Commission.

Intergovernmental Review Procedure/STCRP&DB. A letter was received from Southern Tire Central Regional Planning & Development Board, dated December 13, 2004, requesting comments regarding Runway 14-32 reconstruction project for Corning-Painted Post Airport.

MINUTES OF TOWN BOARD MEETING OF DECEMBER 29, 2004

Notification of Intention to Commence Well/Fortuna Energy Inc. A letter was received from Fortuna Energy Inc., dated December 20, 2004, informing the Town of the notice of intent to commence natural gas well drilling on the Fred Andrews property located on Owen Hollow Road.

Whitney Cemetery Boundary/Attorney Reed. A copy of a letter written to Attorney Scott Miller, dated December 20, 2004, was received regarding the boundary issues with the Whitney Cemetery and Bruce Miller.

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session to discuss a particular personnel matter. All in favor, motion carried.

Supervisor Balland stated that the Water Board portion of this meeting was cancelled.

WATER BOARD

NEW BUSINESS

Waterline Acceptance Proposal/Soaring Ridge. Cancelled.

Supervisor Balland reconvened the meeting at 5:30 p.m.

Councilperson Gardner made a motion, seconded by Councilperson Kaner, to adjourn the meeting at 5:31 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk